

[7th November 1935]

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—A BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR CERTAIN PURPOSES (BILL No. 11 OF 1934)—*cont.*

Consideration of the above Bill was resumed.

* The Hon. the PRESIDENT:—" Discussion on amendment to delete sub-section (1) (b) of section 49 of the Act will continue."

* Mr. V. T. ARASU:—" Yesterday, Mr. President, you will remember that I rose to second the amendment of Mrs. Lakshmipathi. The amendment seeks to delete altogether sub-section (1) (b) of section 49 of the Act. Sub-section (1) (b) says that for any person to be enrolled on the electoral roll he must have paid in the preceding year any tax like the property-tax, tax on companies, or profession-tax; or he must have paid a tax under the Madras Motor Vehicles Taxation Act or must have paid in the preceding year ground-rent to Government in respect of land situated in the city or he must have been for the whole of such preceding year a mortgagee with possession, lessee or tenant of immovable property of an annual value of not less than sixty rupees in the city or he must be a guardian of a minor possessing any of the property qualifications mentioned in sub-clauses (i) to (iv) or he must be a retired, pensioned or discharged officer, non-commissioned officer, or soldier of His Majesty's regular forces. If these qualifications are insisted upon, only less than 10 per cent of the population of the city will be enfranchised. But if this amendment is carried, all persons over 21 years of age will be enfranchised.

" As regards the necessity and advisability of introducing adult franchise, no better argument can be given than in the pregnant words of the Simon Commission whose report was published in 1930. Speaking of elections to the Legislative Assemblies in this country, they say in paragraph 105 of Volume II of their report that as an ideal and an ultimate objective adult franchise is a thing that should be desired. Then they proceed to point out the difficulties in the way of the adoption of adult suffrage. I will mention the main and probably the most important difficulty pointed out by the Simon Commission and explain how it could be overcome. I think that such a course would be much better than pointing out to the House the advantages of introducing the adult suffrage system. The objection according to the Simon Commission is this:

'No adequate machinery exists for effectively dealing with such huge numbers. The proper conduct of a general election requires that, apart altogether from the politicians and their helpers, there should be an adequate supply of impartial persons capable of staffing the polling booths.'

Whatever force this argument may have in the case of elections to the Legislative bodies, both provincial and federal, I submit in the case of the elections to a City Council like the Madras Corporation, these difficulties are not insuperable. In the case of the Provincial and Federal Legislative Bodies, elections will have to be held all over

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the Presidency on one and the same day, and the number of Government officers available for the purpose of being put in charge of polling booths may not be adequate. But in the case of the Madras City, elections have to be held only for forty divisions and they are held in batches of 10 or 15 divisions on any particular day. Therefore the Corporation authorities can get sufficient number of impartial persons to be put in charge of these election booths. Assuming for the sake of argument that each booth requires the services of twenty impartial persons, the number of persons required for ten booths will be only two hundred. This number can very easily be obtained. Whatever difficulties there may be in the way of the introduction of adult franchise in the case of elections to the Provincial and Federal Assemblies, in the case of elections to the Madras City Council, the difficulty pointed out by the Simon Commission cannot be said to be present. Again in paragraph 203 of Volume I of their report they have stated:

‘The urban labourer is often a depressed class man, frequently migratory and always poor, and therefore largely fails to qualify for the vote.’

The report further proceeds to state the defects in a system of franchise based on property qualifications:

‘Again, junior members of undivided Hindu families, however high their standing and education, often have no property and pay no qualifying tax in their own right, and are thus excluded.’

The two sentences quoted by me support my contention that a system of adult suffrage and universal franchise should be introduced in the City of Madras.

“Lastly, Sir, I should like to make one appeal to the hon. Members representing the depressed classes in this Council. It was only yesterday that they expressed their opinion that under a system of joint electorates true representatives of the depressed classes have no chance of entering the Council. I want to draw their attention to the fact that under the system of property qualifications mentioned in section 49, only a very small percentage of their population will find themselves on the electoral roll. It is to the advantage of the members of the depressed classes to secure adult franchise, if they really desire that true representatives of their communities should be returned to the Corporation Council. Whether it is by the system of joint electorates or separate electorates, unless every adult member of those communities is enabled to vote, their position will not be better off and their object that only true representatives of their communities should be returned will not be achieved. I appeal to hon. Members in this House to accept this amendment and vote for it.”

* Mr. K. A. NACHIYAPPA GOUNDER:—“Sir, I have much pleasure in supporting the amendment which has now been moved; and in doing so, I wish to say a few words. Of course it is the ideal and desire of every one that we should have adult franchise though not

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now, at least in course of time. To pave the way for it, we will have to introduce adult suffrage little by little and evidently with this aim this amendment has been moved by the hon. Member representing Madras City. Originally franchise was given only to people who were paying a high rate of assessment, and as time passes, the qualifications for franchise was brought down little by little and it has now been fixed in the case of municipal and local board elections, that any one who pays any assessment can be entitled to vote. Franchise has been widened now; we are reaching the stage when we can go forward and have adult franchise. It is quite necessary that we should try this experiment first of all in the City of Madras where there is a large number of educated people. In the matter of literacy, I can say without contradiction that the City of Madras has got the highest point. This is the best place to try this experiment first. It has been pointed out by the previous speakers that the Simon Commission also have aimed at this ideal and they seem to have felt that there are some obstacles in the way. It has been explained by hon. Members who preceded me at sufficient length that it is not very difficult to adopt methods to overcome those difficulties. As has been pointed out, the Corporation has got a good deal of staff with it and even if it is not enough, the Government will be able to spare some of their staff for a day to attend to election work. It will not at all be difficult to cope with this work. It is needless to point out that it is the general desire and it is the public opinion that we should have adult franchise. We should adopt this system if we are to follow the view-point of the general public. I believe, Sir, that this amendment will have the unanimous approval of all sections of the House; I think it will be quite possible to give a trial to this experiment in the premier city of our Province and it will be to our advantage. The city can set the example and the other parts of the Province will closely follow suit; and we will ultimately have adult franchise throughout the province for all the elections. With these words, I have much pleasure in supporting the motion before the House."

* The Hon. the RAJA OF BOBBILI:—"Sir, I have listened with great interest to the speeches that have been delivered in support of this amendment. I think that most of the time was devoted to the consideration of the merits of having adult franchise. I may state that it is the ideal of all political parties; ultimately we should have adult franchise. But what we are now considering is the question of the municipal franchise; I would appeal to hon. Members of the House not to consider the Madras Corporation as a political body and talk of political rights and general principles and say that we should have adult franchise, etc. The present question is what should be the basis of the electorate of the Madras Corporation. On this point the Government are of the opinion that the test should be the payment of some tax to the municipality. The present proposals put forward by the Government are intended to extend the franchise as much as possible. We believe that, as far as

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the electorate of the Madras Corporation is concerned, it is desirable to have such a test. Therefore I am not in a position to accept the amendment."

* Mr. K. KOTI REDDI:—"Sir, after the speech of the Hon. the Chief Minister I am tempted to say a few words. He stated that all parties are agreeable as to the goal. Goal is always there; the question is when we would be able to reach the goal. About 12 or 14 years ago, the goal of attaining total prohibition in the Madras Presidency was resolved upon by the then Government in power. That goal is still there. No attempt has ever been made to reach that goal. In this matter also, the goal of introducing adult franchise for municipal areas and for the Corporation of Madras is there; it will be there always; I do not know whether it will be reached at all. If adult franchise is to be introduced at all, Madras is the most suitable place to introduce it. It has been the experience of the whole world that before the introduction of adult franchise in respect of political bodies, it was first introduced first in local bodies. The Hon. the Chief Minister said that the Corporation is not a political body. Whether it is a political body, or a club or a local body, the principle is just the same in all cases. The principle is that there should be no taxation without representation. Big countries have been lost on this principle. I may quote the instance of the United States of America. If you believe in the principle, it should be put into effect as early as possible. The Government say there are obstacles in the way; I do not believe in those obstacles. If there is the will to do things, practical difficulties will disappear. It is stated that if everybody is made a voter, no tax will be collected; nobody will come forward to pay the tax. There are other ways by which the tax may be collected. If you adopt the system of adult franchise, the tax will be collected easily; in the case of local boards and district municipalities, payment of tax was not fixed as a condition. I do not see any reason why it should be done in the case of the Madras Corporation alone. If the Hon. the Chief Minister had stated that there were difficulties in the way of introducing adult franchise, we could have suggested the remedies; he did not refer to them at all. Such obstacles do not exist at all in the case of Madras at any rate. The necessary staff is there; the Police force is there; educated people who are prepared to shoulder the responsibility of conducting these elections are there. All the necessary ideal conditions for introducing the system of adult franchise exist in Madras; if the experiment cannot be tried in Madras, I do not know whether there is any other place at all where it can be tried. If payment of any tax is made a condition precedent to a person being made a voter, I think very few of the members of the depressed classes will be voters. It is up to the representatives of those classes to realize now the absolute necessity of having adult franchise at any rate with regard to the Corporation of Madras. With these words I support the amendment."

* Mr. M. DEVADASAN:—"Sir, the Hon. the Chief Minister has stated that it is not advisable to introduce adult franchise in the case

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of the Corporation of Madras. I am not a member of the Corporation; nor do I reside permanently in the City of Madras; yet I feel I can express my opinion as a Member of the Legislative Council. I do not think I would be questioned by anybody if I take part in the discussion of this point. Even at the time of the discussion of the Joint Parliamentary Committee Report, I was one who favoured adult franchise; and I continue to hold the same opinion even now. I advocated that adult franchise should be introduced for the legislatures. I feel that it should be introduced in respect of elections to the Corporation of Madras. At the time when the District Municipalities Bill was under discussion, some Members were in favour of introducing adult franchise in respect of elections to municipal councils. But the majority was against it. This can be found in the proceedings of the Legislative Council. I submit, Sir, that the City of Madras must set the example to the municipalities in the matter of the adoption of adult franchise. Some hon. Members stated that the adoption of adult franchise in the City of Madras would go a long way to help the depressed classes. Though I do not subscribe to that view, I say that adult franchise should be introduced on other grounds, in the interest of all people. It is not only the members of the depressed classes who do not possess houses or other immovable properties in the City of Madras; members of other communities also are in the same position. Most of the people in the city are emigrants; they come here and go away after a brief sojourn. We need not support the principle contained in the amendment on the ground that it is advantageous to members of the depressed classes alone and not to others. I think this Bill is introduced more to serve vested interests than the interests of the common people. There are provisions in the Bill to safeguard various vested interests; but the Bill has not provided sufficient protection to ordinary people, who are not so rich and influential like others.

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“ So, it is absolutely necessary that this principle should be adopted. I submit that the adoption of adult franchise would be a step in advance in the political progress of this country. No doubt some members on this side of the House and some others on that side may object to the introduction of adult franchise, but I for one do not think it will be either inconvenient or inexpedient, but would be a step in the right direction. My friend who preceded me has sufficiently established a case for the introduction of adult franchise, and I do not want to add anything more, except to appeal to the Hon. the Minister to adopt this principle in the City and to give a lead to other municipalities. This will be a great step in the establishment of democracy in this Province. With these few words, Sir, I support the motion.”

The Hon. the PRESIDENT:—“ The question is—

‘ Omit sub-section (1) (b) altogether ’ ”

The amendment was put and lost.

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* The Hon. the PRESIDENT:—"Mr. Sundara Rao Nayudu's amendment, No. 54, will dispose of the principle of assessment or payment of tax. I do not know if the word 'tax' is the proper word there."

Mr. T. SUNDARA RAO NAYUDU:—"Mr. President, I beg leave to move the amendment which stands in my name—

'For sub-section (1) (b) (i), substitute the following:—

"has been assessed in the previous year to any tax mentioned in section 98, except the tax on dogs"."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I have to bring to your notice, that my amendment No. 52 which is more comprehensive than No. 54, may be allowed to be moved first."

* The Hon. the PRESIDENT:—"Assessment precedes payment, and if the principle of assessment is conceded, then the question of payment goes out. If however amendment No. 54 is not passed by the House, then we shall go back to the question of payment and take up the hon. Member's amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"But if that is passed, probably my amendment will be shut out."

* The Hon. the PRESIDENT:—"The hon. Member knows that ordinarily we take first a more comprehensive amendment."

* Mr. T. SUNDARA RAO NAYUDU:—"Let me be allowed to make a few observations in respect of my amendment. Under the Act IV of 1919, only a person who has paid all the taxes due to the Corporation before the 31st of March preceding the year in which the electoral roll is published, will be eligible to be included in the voters' list. That means that a man who owns, say ten houses, and has not paid any tax even in respect of one of them, or any person who has not paid any other tax such as the companies' tax or the profession tax, etc., will be excluded from the voters' list. On the other hand, a sole tenant living in a house the annual rental valuation of which is Rs. 60 and more, will be included in the list even though he may be in arrears of rent for several months, nay several years. This is a real hardship felt by the poor owners of houses all these years. Moreover, several instances have been brought to our notice in which the servants of the Corporation have, by their negligence or carelessness, not collected the taxes from the rate-payers on the due date, and consequently the names of such persons have had to be excluded from the voters' list that year. You are aware, Mr. President, that after all no person is going to be exempted from payment of tax simply because he has not paid it on the due date. It will anyhow be collected by the Commissioner either by adopting any of the coercive measures or by filing a suit in the City Civil Court. The Corporation is not likely to be loser on this account. The present amendment seeks to remedy this evil and to permit all persons who have been assessed to tax to be included in the voters' list, whether he has paid the tax or not or whether he is in arrears in respect of any of the taxes mentioned in section 98 (a), (b) and (c).

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“ Again, Sir, only the payment of taxes mentioned in section 98 (a), (b) and (c) of the Act entitles a person to exercise the franchise; according to the present amendment, the payment of the tax mentioned in section 98 (a) to (f), i.e., property tax, companies’ tax, profession tax, tax on animals and carriages, cart tax, timber tax and advertisement tax, entitles a person to exercise the franchise. By this amendment the number of voters will be very much increased. I am afraid at this stage I cannot say to what extent it will be increased, but I can roughly estimate the increase at about 25 per cent or even more, without any fear of contradiction. By this amendment, any person who has been assessed to pay any tax will have the right to vote in the elections. This is really a very great advance on what we have in the present Act. No doubt an exception is made here in respect of tax on dogs. This is simply to prevent the abuse of inflating the voters’ list with fictitious names. You are aware, Sir, that a man who owns a dog would have paid some tax or other and would be otherwise eligible for being included in the voter’s list. There will be only a very few cases in which a person who has paid the dog tax alone will be excluded from the list. I think, Sir, in the interests of purity of the Corporation elections, it is far safer to prevent such persons from being entered in the voters’ list, than allow a loophole for encouraging malpractices. The principle underlying the amendment, as I said, is that only those who pay something into the Corporation coffers have a right to vote. The difference must have been noted by you, Sir, between the qualification of a voter for the Legislative Council or Assembly and the qualification of a voter for the Corporation Council. In the Legislative Council, an elected member deals with all the activities of a man; the laws framed in the legislature apply to social, economic, political, educational, industrial and even the religious aspect of a man, whereas the Corporation deals only with one aspect of his life, viz., the civic side. So, the qualification for a voter in regard to the Legislative Council must be very low; I am prepared even to go very near adult franchise in the case of legislatures if the country is to-day prepared for it. But I am still so conservative as not to allow such an extended franchise with regard to the Corporation. In regard to this only persons who pay something to the Corporation shall have the right, not those who don’t pay any contribution to it in any capacity. With these few words, Mr. President, I move the amendment for the acceptance of the House.”

* Diwan Bahadur C. NATESA MUDALIYAR:—“ I second this amendment, Sir. If a man is assessed, it is certain that the Corporation is going to get the money out of him anyhow. Supposing he is a man who is assessed to the extent of Rs. 2,000; if he pays his tax ten days after the 31st of March, he has no vote. Whereas, a man who occupies a house for Rs. 5 a month, gets a vote. Moreover, Sir, with regard to the Legislative Council elections, I think assessment is taken into consideration and not paying of the tax beforehand. The idea of payment, before the electoral roll is prepared in order to hasten the collection of

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revenue to the Corporation, is not quite correct, because nobody pays a tax just because he will have a vote. Very few people, or none, pay the taxes for this particular purpose of getting a right to vote. I therefore second the motion moved by my friend Mr. Sundara Rao Nayudu."

* The Hon. the RAJA OF BOBBILI:—"All along, the principle followed in the existing Act is that a citizen should pay all the taxes which are due by him to the Corporation before his name can be brought on the electoral roll. The Select Committee, after due consideration, decided to relax the stringency of this principle and to accept the payment of any one of the taxes levied under section 98 as a qualification to be included in the roll. Since then of course various representations have been made to me by associations and the public, that the present system is in a great number of cases working hardship and that we should in this respect bring the Act into line with the Madras Local Boards Act and the District Municipalities Act. The Government therefore consider that there will be no harm in giving a trial in the Corporation to the system which has already been prevailing in the district boards and municipalities. I do not however agree in thinking that the original proposals contained in the City Municipal Act have really the effect of facilitating elections, although they have one effect which is important, viz., that they do not give any scope for fictitious or false names being placed on the electoral rolls.

"Although in deference to public opinion Government are now prepared to accept this amendment, I have given these details just to show that although this change is desirable on all other grounds, there is still a loophole left for preferring false claims; and I hope the executive authorities of the Corporation will exercise sufficient care in preparing the electoral roll and see that only those persons who are legally eligible to be put on the electoral roll are included. With these few words, I accept the amendment."

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* Mr. V. T. ARASU:—"Mr. President, I wish to suggest a verbal amendment. The amendment of Mr. Sundara Rao Nayudu says 'except the tax on dogs.' But section 98 provides for taxes on animals as well. So, I think, instead of the word 'dogs' the word 'animals' may be substituted. Otherwise it will lead to difficulties. A person on the pretext of having an animal may pay a tax of four annas or six annas and then ask the Corporation to include his name in the electoral roll. In district municipalities I know of several instances where people who want to be included in the electoral roll although they do not possess any animal, pay a tax of 4 annas as animal tax and ask that their names should be included in the electoral rolls. If the idea of the Government is that fictitious persons should not be included in the rolls, I suggest that the word 'dogs' be deleted and instead the word 'animals' may be inserted."

* Mr. C. BASU DEV:—"Mr. President, Sir, I rise to oppose not the whole of the amendment, but only the latter portion of it. I do not know whether by hon. Friend from Egmore . . ."

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Mr. T. SUNDARA RAO NAYUDU :—“ Mr. President, Sir, I take exception to my being addressed as the member representing Egmore. I ought not to be addressed like that. I represent Madras.”

* The Hon. the PRESIDENT :—“ The hon. Member would have been in order if he had referred to Mr. Sundara Rao like that in the Corporation.”

* Mr. C. BASU DEV :—“ Sir, I referred to him as coming from Egmore because I wanted to distinguish him from others who represent the City here, but if my hon. Friend takes exception to it, I will call him as the hon. Member representing the City of Madras. I do not know why Mr. Sundara Rao should be so biased against the dog and partial to the donkey and other animals. Is he afraid of the increase of the voters? Unfortunately, I was not present when adult franchise was discussed. I think, on all sides of the House there was unanimity on the proposition that adult franchise is the ultimate goal. I do not know then why Mr. Sundara Rao takes this view. If a person pays a tax to the Corporation, he gets an interest in the Corporation, whether it be a tax on a dog, donkey or a horse; and why should there be any discrimination. Sir, it is an unfortunate insult to the dog, the loyalty of which we all very much appreciate. I therefore move an amendment to his amendment, and that is to delete the words ‘except the tax on dogs.’ I hope my hon. Friend will kindly accept my amendment.”

The amendment was duly seconded.

* Sir WILLIAM WRIGHT :—“ Mr. President, I would also like to move an amendment to this amendment. Like my hon. Friend from Guntur, I have not got the benefit of the Law (Drafting) Department to assist me, and if my amendment requires any drafting improvement I shall have to ask the department to undertake this. My amendment is—

“ that after the words “ except the tax on dogs,” the following words be added :—

“ and is not in arrears for more than one year in respect of any tax payable to the Corporation ”.

“ Sir, we on these benches would have preferred the clause to have remained as it came from the Select Committee, but after having heard the arguments of my hon. Friend, Mr. Sundara Rao Nayudu, and those of the Hon. the Chief Minister, we would not oppose this amendment, but we think it desirable that this provision should also be made.”

Mr. D. M. REID :—“ I second the amendment, Sir.”

Rao-Sahib V. I. MUNISWAMI PILLAI :—“ Sir, after hearing the speech of the Hon. the Chief Minister, I feel that I have to say something in regard to the first amendment moved by my hon. Friend, Mr. Sundara Rao Nayudu. Sir, experience in local boards show that if this amendment is accepted, it will not be in the interest of the finance of the Corporation. If people are assessed and are brought on to the electoral rolls, subsequently we find that it is not ordinarily possible

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to collect the taxes; and consequently the local boards are asked to write off these uncollected taxes. I do not think the portion in the amendment 'except the tax on dogs' will be welcomed by the poorer classes. If there is some misuse, it can easily be detected and brought to book by the authorities of the Corporation, but if this amendment is allowed to go in, it will depend upon the vigilance and the carefulness of the Corporation to see that the taxes due to the Corporation are properly collected. In the course of the debate on a previous amendment we found people advocating adult franchise, but by this amendment the poor man who can have a vote by paying a tax on dog will be deprived of his vote unless he has paid the tax. I do not think there is much force in that. In the circumstances, I feel that the acceptance of this amendment will not be in the interests of the Corporation."

* The Hon. the RAJA OF BOBBILI:—"Sir, the amendment moved by my hon. Friend, Sir William Wright, removes the one objection that may be urged regarding the main amendment. I am grateful to him for having really improved the amendment and I gladly accept it."

* The Hon. the PRESIDENT:—"I think the House is ready for a vote. I will first put Mr. Basu Dev's amendment to vote. The question is—
'Delete the words "except the tax on dogs"'. "

The amendment was put and lost.

* The Hon. the PRESIDENT:—"I will now put Sir William Wright's amendment to the vote of the House. The question is—

'Add at the end the words "and is not in arrears for more than one year in respect of any tax payable to the Corporation"'. "

The amendment was put and carried.

* The Hon. the PRESIDENT:—"I now put Mr. Sundara Rao Nayudu's amendment as amended by the amendment of Sir William Wright. The question is—

'For sub-section (1) (b) (i), substitute the following:—

"has been assessed in the previous year to any tax mentioned in section 98, except the tax on dogs and is not in arrears for more than one year in respect of any tax payable to the corporation"'. "

The amendment was put and carried.

* The Hon. the PRESIDENT:—"In the amendment of Mr. P. V. Krishnayya Choudari, the first part is disposed of; the second is doubtful, because the only extra qualification that is added in the Legislative Assembly list is the literacy qualification which will be later on discussed and disposed of; and what remains next may be moved by the hon. Member if he so chooses, and that is—

'Any person who pays or has paid a licence fee to the Corporation shall be included in the electoral roll.' "

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Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, now that the Government have accepted the amendment moved by my hon. Friend, Mr. Sundara Rao Nayudu, as further amended by Sir William Wright which means that even persons who have been in arrears for one year will be eligible to be included in the rolls, I want to go a step further and include persons who pay some money by way of licence fee to the Corporation. At present you have fixed certain qualifications for persons to be included in the rolls. There may be some persons who without paying any tax to the Corporation, yet they may be paying something towards the finances of the Corporation; for instance hotel-keepers and rickshawalas and some such people pay licence fees to the Corporation. I wish to move this amendment because I find the object of the Government in the matter of including the names of persons on the electoral roll seems to be the payment of something towards the finances of the Corporation. Moreover, Sir, we have rejected adult franchise to the Corporation though we have it in several village panchayats under the Local Boards Act. When that is the case in village panchayats, I do not see any reason why a person who pays licence fees to the Corporation must not also be given the franchise. It is with that idea I move my amendment, namely—

'For sub-section (1) (b) (i), substitute the following:—

'Any person who pays or has paid a licence fee to the Corporation shall be included in the electoral roll.'

Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I wish to second the amendment moved by my hon. Friend, Mr. Krishnayya Choudari. In doing so, I would like only to point out that when you have accepted the previous amendment according to which people who have been assessed have been given a chance of becoming voters, I do not see any reason why people who actually pay something to the Corporation should be left out from the electoral rolls. I think it will be in the interests of the Corporation if those people who pay something to the Corporation by way of licence fee also were to come on the electoral rolls."

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"The payment of a tax, Mr. President, implies a sort of permanency, but a licence fee does not. To-day a man may pay a licence fee for erecting a sunshade, a marriage pandal, etc., to-morrow the man and the thing for which he paid a licence fee may disappear. So according to my hon. Friend, Mr. P. V. Krishnayya Choudari's amendment every such man will be entitled to vote. To-day a man may put 100 bricks on a pathway and he will have to pay a licence fee for it. Sometime after both the man and bricks will disappear and yet his name will find a place in the Corporation voters' list. Instances of this sort might be multiplied. The person who pays a licence fee may disappear but his name will not disappear from the Corporation voters' list. I think, Sir, if I may be permitted to say so, the suggestion is ludicrous. I beg to oppose it."

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Mr. P. V. KRISHNAYYA CHOUDARI:—" Mr. President, Sir, after hearing the expert Member's opinion I should say that even though he is well conversant with the subject he did not give a correct opinion as regards this point. He said that my amendment is ridiculous but I say it is not. I can say that his arguments are ridiculous."

* The Hon. the PRESIDENT:—" The hon. Member said ludicrous and not ridiculous."

Mr. P. V. KRISHNAYYA CHOUDARI:—" A person who pays a tax for the marriage pandal may disappear. My point is that the person may also be paying licence fee in another way. Another thing I want to point out is that a man who owns a cow may pay a licence fee and to-morrow he will shift himself to another place and still he will be paying a tax. One man may own a jatka to-day and pay a licence fee. To-morrow his jatka will disappear. That is not the proper argument which the expert Member should have advanced to oppose my amendment. If I may be permitted to say, Sir, those who pay any amount of licence fee, whether they are in one place to-day and another place to-morrow, they must be entitled to get a vote. There is a qualification under the Municipal Act that every person who is a resident in the City for 120 days is qualified for a vote. If he is not a resident for 120 days in the City, he will not be entitled to vote. So I find no objection to the House accepting my amendment. I am strongly of opinion that this amendment will help those who pay licence fees to exercise their votes in the municipal elections. There is every justification for retaining this clause and I appeal to hon. Members of this House to support my amendment."

Mr. R. MADANAGOPAL NAYUDU:—" The real difference between a tax and a licence fee is that the tax is a permanent source of revenue which keeps the Corporation going. Therefore the person paying a tax is entitled to a vote."

Mr. V. T. ARASU:—" What about licence fee? "

* Mr. R. MADANAGOPAL NAYUDU:—" I will tell my hon. Friend. He need not be in a hurry. A licence fee has been decided by the High Court to be practically the actual cost of supervision which may be necessary for the purpose of carrying out the duties of checking the various items and conditions under which the licence has been granted, e.g., whether a pandal is properly put up and maintained and whether a cow shed is properly kept and that is the real difference between a licence and a tax. People who pay taxes have got a specific interest and help the Corporation in the actual management of its affairs by contributing to its finances and therefore they ought to have votes while those who pay barely for the purpose of supervision are not entitled to the privilege of a vote. That is the real distinction between the two. That is the reason why the Select Committee thought that persons who pay a licence fee ought not to be entitled to a vote."

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* The Hon. the PRESIDENT:—"The question is—

'For sub-section (1) (b) (i), substitute the following:—

"Any person who pays or has paid a licence fee to the Corporation shall be included in the electoral roll." "

The amendment was put and lost.

* The Hon. the PRESIDENT:—"We shall dispose of all the items including No. 60 (afterwards)."

Mr. T. SUNDARA RAO NAYUDU:—"I beg to move the amendment which stands in my name—

'In sub-section (1) (b) (ii) for the words "has paid" the words "has been assessed" shall be substituted.'

"Mr. President, Sir, this is only a consequential amendment on the amendment No. 54 which has already been passed."

Mr. R. Madanagopal Nayudu seconded the motion.

The amendment was put and carried.

Mr. P. V. KRISHNAYYA CHoudari:—"I beg to move the amendment which stands in my name, viz.—

'For sub-section (1) (b) (ii), substitute the following:—

"has paid a tax under the Motor Vehicles Taxation Act, 1931, for the preceding quarter immediately before the electoral roll is prepared or revised."

"I move it, Sir, because the Hon. the Chief Minister has pointed out that under the Motor Vehicles Taxation Act this will not come under assessment but will become a separate qualification. That is why I want to move it, Sir. The word 'assessment' will not cover my amendment. What I want is, that if a person who pays a motor tax for the preceding quarter immediately before the electoral roll is prepared or revised, his name should be admitted as a voter in the electoral roll as the same is not provided for in the present Select Committee report. As we have already provided for so many people who are assessed, it is quite essential that the person who pays a tax on motor vehicles should be admitted as a voter. I need not say much about this for I do not want to take the time of the House."

Mr. V. T. ARASU:—"I beg to second the amendment."

The Hon. the RAJA OF BOBBILI:—"Mr. President, Sir, it was considered that there might be changes in ownership so that it was considered better to have at least one year. Therefore I oppose it."

The amendment was put and lost.

Mr. T. SUNDARA RAO NAYUDU:—"Mr. President, Sir, I beg to move the amendment that stands in my name, viz.—

'In sub-section (1) (b) (iii), for the words "has paid," the words, "has been assessed" shall be substituted.'

"This amendment is only a consequential one."

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Mr. R. MADANAGOPAL NAYUDU:—" I beg to second it."

The amendment was put and carried.

*Mr. C. BASU DEV:—" I beg to move the amendment that stands in my name, viz.—

'In sub-section (1) (b) (iv) in line 3 after the word "tenant" insert the words "or sub-tenant."'

" Sir, the effect of my amendment will be to enfranchise a very large number of sub-tenants. Under the section as it stands even a person who pays Rs. 100 rent for a portion of a house does not enjoy the franchise of the Corporation. Let me not be construed as pleading in this amendment for those tenants who pay high rents but for those poor workers who are sub-tenants in this City. I do not see any reason why the sub-tenant should not have the same qualification to vote as the chief tenant. It may be argued that many false claims would be set up by persons without the necessary qualification. I do not think much is required of me to commend this amendment for the acceptance of the House. It is very simple and it will have the effect of putting large number of voters on the list. I hope to have the support of the hon. the Lady Member of the House who has moved an amendment for adult franchise. This amendment will to some extent satisfy her desire of achieving adult franchise, because it is bound to bring in at least 95 per cent of the workers on the voters' list. I have also the assurance of the support of the Leader of the Opposition. With these words I commend the amendment for the acceptance of the House."

12-15
P.M.

* Dr. P. SUBBARAYAN:—" Mr. President, Sir, I second the amendment so ably moved by my hon. Friend, Mr. Basu Dev, because I feel that this will give franchise not only to the labouring classes but also to the scheduled classes. It will increase the number of voters. I have also given notice of an amendment to omit Explanation (2) under clause 49, as a consequential amendment. I think that it is right and proper that, when it is not possible to introduce adult franchise, we should work as much towards it as possible. I hope the House will accept the amendment, as the idea behind the amendment is adult franchise."

* Mr. M. A. MUTHIAH CHETTIYAR:—" Mr. President, Sir, though I am one of those that are anxious to bring as many of the scheduled classes as possible on the electoral roll, I think the amendment before the House will lead us nowhere. Even under the present Bill, as modified by the Select Committee, it is stated that tenants should be put on the electoral roll. Most tenants especially those paying small rents do not enter into agreements with the owners of houses. It is different with those living in bungalows where agreements are entered into that the lease is to continue for a period of years. Mostly

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in Madras, houses are let without agreements on the understanding that the tenancy can be terminated on a month's notice on either side. That is the usual condition. In some cases houses are taken on lease and the rents are collected by the owner weekly, fortnightly, monthly or even once in three months. In some cases, tenants sublet portions of the house with the approval, through letters, of the house-owner, if no agreement subsists between them. Under such circumstances, it will be impossible, except in the case of houses fetching a rent of Rs. 100 and above, where written agreements are generally entered into, to find out who the tenants are. Tenancy will be changing every now and then and it will not be possible for the returning officer to prepare a proper roll. I think it would be unworkable however much we would like to sympathise with the poor and try to get them on to the electoral roll."

Rao Sahib N. SIVA RAJ:—"Mr. President, if I rise to speak on this amendment, it is just to point out to the hon. the Mover and seconder of the amendment, that it is practically unworkable. The suggestion was made that by this amendment a large number of depressed class voters would be brought on the roll and I may at once say, with my experience, that I can never conceive of tenants of Madras City having the scheduled class men as sub-tenants. Adi-Dravidas can never live along with caste Hindus as their sub-tenants. There has been no such case anywhere in Madras City. So that, this amendment is not going to confer any benefit on the scheduled classes. Howevermuch I am in sympathy with the spirit of the amendment, I fear I cannot support the amendment because it will not be workable.

"As for extending the franchise in the case of the scheduled classes, I think that there is a provision made to lower the qualifications required of a voter; and this if adopted will meet the object the Mover of this amendment had in view."

* Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, I am sorry that neither the mover nor the seconder of the amendment have realized that it is not likely to bring in a large number of Adi-Dravidas by fixing the tenancy rate at Rs. 60 a year. I ask them how many of the classes whom they seek to benefit, will be benefited by this amendment on account of their paying a rent of Rs. 60 a year. Very very few, Sir. Mr. Basu Dev said that 95 per cent of the labourers would be brought on the list. I question his statement very seriously. I wonder if five per cent of the labouring classes are paying that rent. The same holds good in the case of the Adi-Dravidas also. I do not think there are many among that community paying that rent as sub-tenant or as the tenant of a whole house. Therefore, the relief which my friends think . . ."

Dr. P. SUBBARAYAN:—"On a point of personal explanation, may I say, the point that my hon. Friend raises does not come in, in so

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far as the idea is that all sub-tenants of the house, the tenant of which is paying Rs. 60 a year, should be enfranchised."

* Mr. R. MADANAGOPAL NAYUDU:—"I thought Mr. Basu Dev wanted that a sub-tenant paying a rent of Rs. 60 himself should be enfranchised. I think that is what he means and not a sub-tenant of a house, the chief tenant of which pays a rent of Rs. 60. That is not what he meant, I suppose."

* The Hon. the PRESIDENT:—"Mr. Basu Dev has given notice of an amendment (item 66) which wants to reduce the amount to Rs. 24."

* Mr. R. MADANAGOPAL NAYUDU:—"Even assuming it is to be so, I do not see the logic or reason for this proposal. The proposal ought not therefore to be accepted. As has been pointed out by the ex-Mayor of the Corporation, the Corporation will find a lot of difficulty, owing to constant changes in tenancy, in preparing a correct roll. The provision is that the occupation is to be in the previous year. The work involved in seeing how many people have been in occupation of such premises in the preceding year would be abnormally great and out of all proportion to the benefits which the proposer of the amendment contemplates. I feel, therefore, that this amendment ought not to be accepted."

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, I think that the arguments that have been put forward are merely begging the question. The object of this amendment is to increase the number of voters of the lower middle class who are living in houses as sub-tenants, though paying a rent of Rs. 8 or Rs. 10. If one has experience of Georgetown, he will know how in a house with a rental value of Rs. 100 many sub-tenants live each paying a small rent. But not one of them has a vote. Leave alone the bungalows. I have not the practical experience of the ex-Mayor but I can claim that I have moved with the people during my time in the course of social work and I have seen families to whom sheer injustice had been done. I want that it should not be continued. Let them have the power of influencing the elections of the representative of the areas they live in. I do not adopt the line of the seconder of the amendment that it will be a step towards adult franchise. It is only on the ground of doing sheer justice to this class of people that I want that they should be enfranchised. If one goes to Kandaswami Chetti street, Linghi Chetti street, or to Bunder street, one will see the state of affairs and the number of people, who are as well educated and who can as well manage affairs as the first citizen of the Madras Corporation, being denied the right to have a voice in electing their representatives. This naturally keeps them discontented. In order to keep them discontented and to release them from the position they are in, it is very desirable that they should be enfranchised. I do not see any harm in doing it. I support the amendment and I feel that the privilege should no longer be withheld from them."

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Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil:—

“கார்ப்பரேஷனில் வீட்டுகளில் சப்-டெனெண்டுக்கு ஒட்டுரிமை கொடுக்க மிஸ்டர் பாசுதேவ் அமெண்டுமெண்டை ஆசேஷிக்கிறேன்.

“மோட்டார் வெகிகல் டாக்ஸ் ஆக்ட்டுப்படி முந்திய மூன்று மாசத்திய வரி கட்டினவனுக்கு இல்லை என்று இதற்கு முந்தி தீர்மானம் செய்திருக்கிறீர்கள்.

“சப்-டெனெண்டுக்கு உரிமை கொடுப்பது கொஞ்சமும் பொருந்தாது. துடர்ந்து ஒரே வீட்டில் குடியிருக்கமுடியாதவர்களும் உண்டு. ஒன்றுக்கு மேல் அதிக குடியிருப்பவர்களுமுண்டு. மாசம் ஒன்றுக்கு 5 ரூபா வீதம் வாடகை செலுத்துகிற பிரதம வாடகைதாருக்கு ஒட்டுரிமையிருக்கும்போது அதையே பல இராட்டிப்பாக்கினதுபோலல்லவா, ஒரே அயிட்ட துகை பலரிடம் வசூலாகிறது.

“ஒட்டு கொடுக்கக்கூடிய தினம் வருங்கால் தூர இடங்களிலும் சஞ்சரிப்பார்கள். அப்போது பிசகாக வேறு மனுஷியான தயார் செய்ய இடமாகும், விவகாரத்துக்கு எனமாகும், தூர்வினியோகத்துக்கும் ஆஸ்பதமாகும். எலக்கோரோல் தயார் செய்வதும் சாத்தியமாகாது.

“ஒட்டு அதிகம் செய்யவேண்டுமென்பது எண்ணமிருந்தால் ஒரு குடும்பத்தில் உள்ள வயதுவந்த எல்லா நபர்களுக்கும் ஒட்டுரிமை உண்டென்று ஏற்படுத்தினால் அது ஓர் காரணமாகவாவது சொல்லலாம். ஆகையால் இதை ஆசேஷிக்கிறது நியாயமாபிடுக்கிறது.”

* Mr. M. D. DEVADASAN:—“My Friend, Mr. P. C. Muthu Chettiyar, said that there would be gross abuse if the City sub-tenants were enfranchised. Of course there are abuses in elections and nobody can deny it. In regard to elections in the mufassal, viz., in municipalities and district boards, there are voters who are not real voters. They are bogus men put up as voters. Yet my friend thinks that there will be more abuse here. The voters and candidates must be more careful. If there is any abuse it must be more due to the candidate than to the voters. It is the candidates themselves who must share the responsibility because it is they who take the men to the polling station saying that they are voters while they are not real voters. This does not mean that people who ought to be enfranchised should be deprived of their franchise. My Friend, Mr. Muthu Chettiyar, said that he had no objection to the enfranchisement of the scheduled castes taking it to mean that the scheduled classes alone are sub-tenants. I must submit that all classes of people including the scheduled classes in the City of Madras belong to the category of sub-tenants. My friend stated that there will be difficulty in the workability of the election. He said that there are no agreements between landlords and tenants and similarly there are no agreements between the tenants and the sub-tenants. If there is necessity for the enfranchisement of tenants then the sub-tenants need not be enfranchised. If the tenants can be enfranchised then the sub-tenants also can be enfranchised. At the time the tenants are registered they can be asked whether there are sub-tenants under them. At the time of the registration of the tenant both the tenant and the sub-tenant may be registered. So there cannot be any difficulty. If there is any objection for these sub-tenants being enfranchised then

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before the final electoral list is prepared the matter may be looked into. Some Members are objecting to the enfranchisement of the sub-tenants because they think that it would be difficult for them to canvass the votes of the sub-tenants. Sir Patro stated that it is nothing but justice that requires sub-tenants to be enfranchised. If the sub-tenants are also enfranchised it will go a great way in helping the cause for which the tenants are to be enfranchised. If the tenants are to be enfranchised I do not see why the sub-tenants should not be enfranchised."

* Sir A. P. PATRO:—"One word of personal explanation, Sir. The hon. Member, Mr. Muthu Chettiyar, was speaking about horse-keepers and bus drivers. I am glad he is very much in their company. My reference is not like Mr. Muthu Chettiyar's reference to horse-keepers, syces and bus drivers. I am speaking of an important class of people who are springing up in Madras called the sub-tenants. The house will be in the name of one person while five persons are his sub-tenants. Sir, it is very essential to enfranchise not only high class people living in bungalows but the other class who live in Georgetown (laughter) not the type of men like syces and horse-keepers whom Mr. Muthu Chettiyar knows."

* The Hon. the RAJA OF BOBBILI:—"The question is not whether a certain class of people living in the City should be enfranchised or not but whether it is workable to accept this amendment to avoid abuses of this privilege. In the Bill, as amended by the Select Committee, the tenant of an immovable property of not less than an annual rental value of Rs. 60 which means five rupees monthly rental is eligible to be placed on the electoral roll. In the case of the sub-tenants there will be no lease deeds or documents to prove that he is a sub-tenant. A provision like this will lead to considerable abuse and will also result in seven or eight members coming in a family. Under this provision it is possible for each member to claim that he is a sub-tenant and will lead to abuses of privilege. It will also be an impossible task for a party preparing the electoral roll to come to any definite conclusions as to who is a sub-tenant and who is not. In these circumstances I have no alternative but to oppose this amendment."

* Mr. C. BASU DEV:—"Mr. President, I rise to say a few words in reply to the observations made by those who opposed the amendment. Sir, I am glad to say at the outset that the Leader of the Opposition as well as the father of the House, Sir A. P. Patro, have done me the honour of supporting this amendment. Sir, Mr. Madanagopal Nayudu had advanced arguments which he had to withdraw when the mistake was pointed out to him. (Voice: 'No, no.') It was pointed out to him that this amendment does not raise the rental valuation of the premises and also that further down I had given notice of an amendment to reduce it to Rs. 24. May I say that even granting his argument that only 5 per cent of the workers will be enfranchised, there are a number of clerks and other Ministerial officers most of whom pay between Rs. 10 to Rs. 20 per month as rent, but are only sub-tenants and who are as intelligent,

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as cultured and as capable of looking after the interests or promoting the efficiency of the Corporation as anybody else. Are we to disenfranchise these persons because the hon. Member for Indian Commerce and the ex-Mayor of Madras is opposed to this amendment on the ground that it is impracticable and that it is not necessary and possible to enfranchise them? Am I to understand that he is afraid of intelligence or that he is going to put a premium on the intelligence of the voters? My hon. Friend, Mr. Langley, is saying 'Lack of intelligence.' The voters coming as sub-tenants are a highly intelligent section of the population. If anyone wants that the Corporation should be helped by intelligence, he has to bring in these persons. Sir, Mr. Madanagopal Nayudu first advanced his arguments on a misconception of the meaning of my amendment. When that was pointed out to him he went on to say about the practicability of the amendment and that on that ground the amendment should not be supported. I am only reminded of the story in Julius Caesar of the infuriated mob which when told that it was not Cicero the Orator but the poet, said 'Well, let us hang him for his bad poetry.' That is the sort of argument advanced against my amendment."

The amendment was put and declared lost. A poll was demanded and the House divided thus—

Ayes.

- | | |
|---|-----------------------------------|
| 1 Mr. M. Devadasan. | 12 Mr. K. A. Nachiyappa Gounder. |
| 2 Rao Bahadur Sir A. P. Patro. | 13 „ C. Basu Dev. |
| 3 Sriman M. G. Patnaik Mahasayo. | 14 „ G. Rameswara Rao. |
| 4 The Raja of Kallikote. | 15 Mrs. A. Rukmani Lakshmiopathi. |
| 5 The Zamindar of Mirzapuram. | 16 Mr. P. Ratnavelu Thevar. |
| 6 Dr. P. Subbarayan. | 17 „ K. P. Raman Menon. |
| 7 Diwan Bahadur T. A. Ramalingam Chettiyar. | 18 The Zamindar of Chemudu. |
| 8 Mr. T. C. Srinivasa Ayyangar. | 19 Mr. G. R. Premayya. |
| 9 „ T. S. Ramaswami Ayyar. | 20 „ P. M. Thangal. |
| 10 „ V. T. Arasu. | 21 Rao Sahib C. Kolanda Reddi. |
| 11 „ Ahmed Meeran. | 22 Mr. K. Koti Reddi. |
| | 23 „ P. V. Krishnayya Choudari. |

Noes.

- | | |
|--|--|
| 1 The Hon. Rao Bahadur Sir K. V. Reddi Nayudu. | 17 Khan Sahib Syed Tajuddin* Sahib Bahadur. |
| 2 „ Mr. A. T. Pannirselvam. | 18 Mr. R. M. Palat. |
| 3 „ Mr. C. A. Souter. | 19 Diwan Bahadur A. Appadurai Pillai. |
| 4 „ Mr. G. T. H. Bracken. | 20 Rao Sahib N. Siva Raj. |
| 5 „ Diwan Bahadur S. Kumaraswami Reddiyar. | 21 Mr. D. M. Reid. |
| 6 „ Mr. P. T. Rajan. | 22 „ W. K. M. Langley. |
| 7 „ the Raja of Bobbili. | 23 The Raja of Paralakimedi. |
| 8 Diwan Bahadur C. Natesa Mudaliyar. | 24 The Zamindar of Kirlampudi. |
| 9 Mrs. K. Alamelumangathayaramma. | 25 Rao Bahadur B. P. Sesha Reddi. |
| 10 Mr. W. Scott Brown. | 26 Mr. P. C. Moses. |
| 11 „ H. R. Uzielli. | 27 „ P. V. Rajagopal Pillai. |
| 12 „ C. E. Jones. | 28 „ V. G. Vasudeva Pillai. |
| 13 „ G. T. Boag. | 29 „ G. F. F. Foulkes. |
| 14 „ R. Madanagopal Nayudu. | 30 „ F. J. Stanes. |
| 15 „ T. B. Russell. | 31 Khan Bahadur Javad Hussain Sahib Bahadur. |
| 16 „ T. Sundara Rao Nayudu. | 32 Mr. G. Simhachalam Pantulu. |
| | 33 „ P. K. Ramachandra Padayachi. |

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Noes—cont.

34 Rao Sahib V. Dharmalingam Pillai.	42 Mr. K. Kesavaramamurti Nayudu.
35 Rao Bahadur D. Krishnamurti.	43 „ M. A. Muthiah Chettiyar.
36 Mr. G. Sriramulu.	44 „ K. M. Duraiswami Reddiyar.
37 „ C. Indrayya.	45 „ H. M. Jagannadham.
38 „ K. Pattabhiramayya.	46 Subadar-Major S. A. Nanjappa Bahadur.
39 Rao Sahib C. Jayaram Nayudu.	47 Diwan Bahadur S. Ellappa Chettiyar.
40 „ D. V. Narasimhaswami.	
41 „ Pandit Ganala Ramamurti.	

Neutral.

1 The Zamindar of Bodinayakkanur.	3 Rao Sahib A. S. Alagannan Chettiyar.
2 Rao Bahadur P. C. Muthu Chettiyar.	4 „ V. I. Muniswami Pillai.

Ayes 23. Noes 47. Neutral 4.

The amendment was lost.

* Mrs. A. RUKMANI LAKSHMIPATHI:—“ Mr. President, Sir, I beg to move the following amendment:— 12-45 p.m.

‘ In sub-section (1) (b) (iv), for the words “ sixty rupees ” substitute the words “ twelve rupees ”.’

“ The idea behind the amendment is to widen the electorate by lowering the franchise so that a tenant who pays Rs. 12 a year as rent may be entitled to vote in the elections to the City Corporation. The sub-clause says that in order to be entitled to vote a person must have been a mortgagee with possession, lessee or tenant of immovable property of an annual value of not less than sixty rupees. Sixty rupees is a very excessive amount and the figure of twelve rupees I have suggested will give an opportunity to a large part of the population to vote.”

* Mr. K. KOTI REDDI:—“ I second the amendment. To-day in the mufassal any person who pays one pie or one anna as tax to the Local Government or Government of India is a voter to the local bodies so much so practically adult franchise prevails there. I am told that in certain places, the system is so abused that there are more voters than the population itself. Therefore, Sir, I do not see why restrictions like these should be placed which will have the effect of reducing the number of voters. Since the House is not agreeable to adult franchise which will surely safeguard all interests and prevent all abuses, I hope they will be agreeable to this amendment which will enfranchise a large class of voters.”

* The Hon. the PRESIDENT:—“ Is Mr. Basu Dev moving his amendment? ”

Mr. C. BASU DEV:—“ Yes, Sir. I move that

‘ in sub-section (1) (b) (iv), for the words “ sixty rupees ” the words “ twenty-four rupees ” be substituted.’

“ I do not think any further words are necessary to support the amendment.”

The amendment was duly seconded.

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Mr. R. MADANAGOPAL NAYUDU:—"Sir, my hon. Friend from Cuddapah has stated that persons who pay one pie or one anna as tax to the local bodies in the mufassal are entitled to vote and therefore persons who pay a rent of Rs. 12 as tenants should be allowed to vote in Madras also. Sir, the voter in the mufassal pays one pie or one anna to the district board, but the tenant who pays Rs. 12 as rent does not pay anything to the Corporation, because if the rental value is Rs. 12, the House is free from tax, but all the same the tenants enjoy all the amenities of the Corporation. Unless the rental value is Rs. 36 a year, no tax is levied. On what ground should such a person who pays no tax at all get the right to vote, I fail to understand."

* Dr. P. SUBBARAYAN:—"Sir, I am surprised that hon. Members of the House who are members of the Corporation should say that the right to vote goes with the payment of a tax. They forget that the right to vote is an inherent right which, if you are going to work democracy in this country, every person, every adult born and resident in this country should have. If the affairs of the Corporation are to be managed properly, I think, we must work towards adult franchise, so that the City fathers will not be responsible to the mere aristocrat or the plutocrat but to the proletariat. That should be our aim. Therefore I cannot see any reason why Mr. Madanagopal Nayudu and others who think with him should get up here time after time and say that the tax-paying capacity alone should be the qualification for being a voter. What is being done by the two hon. Members here is to put as many persons as possible even on the restricted franchise on the voters' list. They tried the question of sub-tenants; they met with defeat because it was impossible to work. So said the Mayor, who according to himself and other friends of his, has had experience of the working of the Corporation. I want to point out that work on the Corporation is no experience as to who should be on the voters' list and who should not be. I feel, Mr. President, that in the interests of the larger public, in the interests of democracy, it is but right that we should, as far as possible, widen the franchise instead of having the tax-paying capacity alone as the qualification for a voter."

Mr. K. KOTI REDDI:—"Mr. President, Sir, the hon. Member has misunderstood me. As a matter of fact it is not necessary to pay a tax to the district board to be a voter. If a person pays even a pie to the Government of India or the Local Government, he will be entitled to vote."

* The Hon. the RAJA OF BOBBILI:—"I am afraid the hon. Member, Mr. Koti Reddi has misunderstood the point. He said that the payment of any tax in the mufassal entitled a person to vote in the elections to the district boards or municipalities. But in the case of sub-tenants here, they do not pay any tax to the Corporation, because houses of a rental value of less than Rs. 36 a year are exempted altogether. Therefore any figure of less than Rs. 36 does not arise at all. Now according to the section as finally passed by the House, if a person pays

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to the Corporation any tax levied under section 98 (except the dog-tax), whatever might be the amount, whether it is four annas or eight annas, will make him eligible to be placed on the electoral roll. I therefore oppose the amendment."

Mr. T. S. RAMASWAMI AYYAR:—" Mr. President, if my understanding of the Act is correct, I am afraid, there is a misapprehension in the mind of Mr. Madanagopal Nayudu. He says that the minimum rental value below which people are exempt from assessment is Rs. 36. Evidently he refers to section 102 which says:—

'The Council may, by a general resolution, exempt any building or land from the property-tax—

(i) if the annual value of the same does not exceed a sum specified in the said resolution such sum not being greater than thirty-six rupees;

"Two points will have to be noted here. They will be exempted only if there is a general resolution of the Corporation. The Corporation may resolve that even when the rental value is below Rs. 36, there should be no exemption. Even if exemption is granted, it refers only to the payment of the tax, but section 49 makes no reference to the payment of the tax. Sub-clause (iv) says—

'has been for the whole of such preceding year a mortgagee with possession, lessee or tenant of immovable property of an annual value of not less than sixty rupees in the City;'

"The amendment seeks to reduce the amount from Rs. 60 to Rs. 24. 1 p.m. If the amendment is carried, it will mean that a person who is occupying a house with an annual value of Rs. 12 will be entitled to vote. Section 102 can say that the tax need not be paid. There will be no inconsistency at all. If we pass this amendment, it will not be invalid. All people whose property is of the annual value of Rs. 12 will be enrolled as voters. If you enfranchise such people, there will be no legal obstacle. The only question is 'are you prepared to do it?'"

* The Hon. the PRESIDENT:—"The question is: 'In sub-section (1) (b) (iv) for the words "sixty rupees" substitute the words, "twelve rupees".'"

'The amendment was put and lost.

Mr. C. BASU DEV:—"Sir, I would like to increase the figure in my amendment to 36."

* The Hon. the PRESIDENT:—"It is too late to do so."

"The question: 'In sub-section (1) (b) (iv) for the words "sixty rupees" substitute the words "twenty-four rupees".'"

The amendment was put and lost.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, my amendment (No. 52) prescribes various other qualifications than the literary qualification. I think I may be allowed to move it now."

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* Mr. C. BASU DEV :—" Sir, I beg to move the amendment that stands in my name :—

' After sub-section (1) (b) (vi) insert the following :—

" (vii) is a literate, i.e., able to read and write in any language certified in the manner prescribed or alternatively is a holder of the elementary school certificate issued by the headmaster of a school recognized by Government."—

" I do not think that many arguments are necessary to commend this amendment. Literacy as a qualification is one of the qualifications which the Indian Franchise Committee had recommended and has now been embodied in the new India Act. If literacy is to be a qualification even in the mufassal areas, I do not see any reason why it should not be so in the premier city of this province. Literacy qualification has been fixed in the case of voters to the new Provincial Legislative Assembly. It is high time that we remove the embargo on literacy in the Corporation. You must allow every person who knows to read and write to vote at elections; by doing so, he is helping in the discharge of a very important duty that of choosing his representative in the Corporation of Madras. With these few words I move my amendment. I hope it will be approved and accepted by all the liberal elements in the House."

* Dr. P. SUBBARAYAN :—" Mr. President, Sir, I rise to second this amendment moved by my hon. Friend, Mr. Basu Dev. I feel that, when literacy has been made a qualification for the future election to the local Legislative Assembly, it is but right that we should give this franchise even to the people in the City. As I said, the aim should be adult franchise. At present we ought to have on the voters' list as large a number of voters as we can get who will be qualified to judge of the efficiency of the persons who represent them on the Corporation. Then you must give the franchise at least to literate persons who are supposed to understand really what is wanted in civic life. I therefore feel that the Government would not be doing anything wrong, if they accept this amendment, because it will be only carrying out the policy that is contemplated by the Government of India Act, and the recommendation of the Lothian Franchise Committee."

* Mrs. A. RUKMANI LAKSHMIPATHI :—" Sir, I support Mr. Basu Dev's amendment which is almost the same as mine, that every literate person should be entitled to take part in the election to the City Corporation. The Lothian Committee has recommended literacy franchise for the Provincial Assembly. The White Paper has also accepted this principle and this has been specifically laid down in the new Constitution Act. When a literate person is entitled to vote for the Legislative Assembly, I do not see any reason why the electors to the Corporation which has a smaller electorate than the Assembly, should be denied this privilege. The amendment says, every person who knows to read and write in any language whether it be English or any vernacular,

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should be accorded this right. I take it, Sir, the idea is to widen the electorate as much as possible and by lowering the franchise. The experiment can be tried in the City; the population of the City is only 6 lakhs and the adult population cannot be more than 60 per cent. I am sure that this system will work very satisfactorily if it were to be experimented upon for the first time here. I plead that literate people should also have a share in shaping the civic affairs of the City and as such, I heartily support the amendment."

* Mrs. K. ALAMELUMANGATHAYARAMMA then spoke in Tamil of which the following is an English summary:—

"Sir, educated people must be qualified to vote in the Corporation election. I would insist on these people having finished their course of primary education at least. My opinion is they can read the notices issued in vernaculars and they can very intelligently choose the candidate. I have given expression to this opinion of mine before the Lothian Committee. For this purpose, it is necessary that we should have compulsory elementary education which will enable a man to choose the proper person as his representative on the Corporation."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Sir, I rise to support the amendment moved by my hon. Friend, Mr. Basu Dev. There is a clause in this Bill which seeks to increase the number of voters belonging to the scheduled castes in proportion to their population in the City. Therefore if this amendment is accepted, it will go a long way to help the Government to include a large number of scheduled class members. I am one of those who believe that universal education must precede universal suffrage. All side of the House stated that universal suffrage should be introduced, and it was not accepted. I hope the Government would accept at least this modest amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I just want to bring one point to the notice of this House. In the original Bill there were provisions in respect of this matter, which were more liberal than the provisions inserted by the Select Committee. The original Bill provided for a literate person being enrolled as a voter. I feel, Sir, that the Government should accept this amendment. I pressed this matter in the Select Committee and it was rejected. We should retain a provision which was found in the original Bill brought forward by the Government.

"I feel, Sir, it is the duty of the Legislative Council at least to see that the Government proposals, as introduced by the Bill, are kept up. I think if the Hon. the Chief Minister accepts the amendment, there will be consistency with the provisions of the Original Bill. I do not want to add anything more to what has already been stated.

"Another point is that the amendment which I gave notice of, No. 52, which is a comprehensive one, includes literacy as well as other qualifications referred to in the Bill . . ."

1-15
p.m.

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* The Hon. the PRESIDENT:—"It may be comprehensive, but it is very complicated."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I feel there is no complication in it; anyhow, as the President says, it is complicated, I obey the Chair. I support this amendment."

* Mr. G. R. PREMAYYA:—"Mr. President, Sir, this is a modest amendment. Several missionaries bring orphan and poor children to the schools and give them education up to the eighth standard or fourth and fifth forms and send them out. Many of them may have no houses nor any property; they work as farmers, some work in factories, others work as clerks of merchants, etc. Such people may not have any chance of taking part in the elections. In the district boards, several members come and sit like mummies. They pay taxes to the extent of Rs. 500 or Rs. 1,000, but they do not know what is going on in the district board. In such cases, what is the use of bringing them on as elected members and keeping them on the board? If people who can read and write come into the boards, they will be of real use and will be an asset to the country. With these observations, Sir, I support the motion moved by my Friend, Mr. Basu Dev."

* The Hon. the RAJA OF BOBBILI:—"As far as this Bill is concerned, we have been following the principle that before a person becomes eligible to be registered as a voter, he must contribute something to the coffers of the municipality; and as previously stated, all the arguments which apply to a political body cannot be applied to the Madras Corporation. I consider that it is not desirable to give this franchise. Originally, it was considered desirable to adopt the same rule for the Corporation as for the future Legislative Assembly; but on further examination it was found that as it would create difficulties, it would not be possible to make a provision to that effect in the present Bill. It has therefore been decided during the select committee stage to drop the original proposal and go into details and fix the qualifications for the voters. It is for that reason, Sir, that the original proposal to adopt the electoral roll of the Provincial Legislative Assembly in the Corporation had to be given up. In regard to the previous amendments, we have been proceeding on the basis that only those who contribute towards the funds of the Corporation by way of taxes should be entitled to vote. I therefore propose this amendment."

* The Hon. the PRESIDENT:—"I think the House is ready for a vote. The question is:

'After sub-section (1) (b) (vi), insert the following:—

"(vii) is a literate, i.e., able to read and write in any language certified in the manner prescribed or alternatively is a holder of the elementary school certificate issued by the headmaster of a school recognized by Government." "

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The amendment was declared lost. Mr. K. A. Nachiyappa Gounder demanded a poll and the House divided thus:

Ayes.

- | | |
|---|--------------------------------------|
| 1 Mr. G. Simhachalam Pantulu. | 10 Mr. K. A. Nachiyappa Gounder. |
| 2 Mrs. K. Alamelumangathayaramma. | 11 Rao Sahib V. I. Muniswami Pillai. |
| 3 Dr. P. Subbarayan. | 12 Mr. C. Basu Dev. |
| 4 Diwan Bahadur T. A. Ramalingam Chettiyar. | 13 G. Rameswara Rao. |
| 5 Mr. T. C. Srinivasa Ayyangar. | 14 Mrs. A. Rukmani Lakshmipathi. |
| 6 „ T. S. Ramaswami Ayyar. | 15 Mr. K. P. Raman Menon. |
| 7 Rao Bahadur P. C. Muthu Chettiyar. | 16 The Zamindar of Chemudu. |
| 8 Mr. Ahmed Meeran. | 17 Mr. G. R. Premayya. |
| 9 Mr. P. Peddi Raju. | 18 „ P. M. Thangal. |
| | 19 „ K. Koti Reddi. |
| | 20 „ P. V. Krishnayya Choudari. |

Noes.

- | | |
|--|---|
| 1 The Hon. Rai Bahadur Sir K. V. Reddi Nayudu. | 23 The Zamindar of Kirlampudi. |
| 2 „ Mr. A. T. Pannirselvam. | 24 Rao Bahadur B. P. Sesha Reddi. |
| 3 „ Mr. C. A. Souter. | 25 Mr. P. C. Moses. |
| 4 „ Mr. G. T. H. Bracken. | 26 „ P. V. Rajagopal Pillai. |
| 5 „ Diwan Bahadur S. Kumaraswami Reddiyar. | 27 „ V. G. Vasudeva Pillai. |
| 6 „ Mr. P. T. Rajan. | 28 „ G. F. F. Foulkes. |
| 7 „ the Raja of Bobbili. | 29 Khan Bahadur Javad Hussain Khan Sahib Bahadur. |
| 8 Diwan Bahadur C. Natesa Mudaliyar. | 30 Mr. P. K. Ramachandra Pada-yachi. |
| 9 Mr. W. Scott Brown. | 31 Rao Sahib V. Dharmalingam Pillai. |
| 10 „ H. R. Uzielli. | 32 Rao Bahadur D. Krishnamurti. |
| 11 „ C. E. Jones. | 33 The Raja of Kallikote. |
| 12 „ G. T. Boag. | 34 The Zamindar of Bodinayakkanur. |
| 13 „ R. Madanagopal Nayudu. | 35 Mr. C. Indrayya. |
| 14 „ T. B. Russell. | 36 „ G. Sriramulu. |
| 15 „ T. Sundara Rao Nayudu. | 37 Rao Sahib C. Jayaram Nayudu. |
| 16 Khan Sahib Syed Tajuddin Sahib Bahadur. | 38 „ D. V. Narasimhaswami. |
| 17 Mr. R. M. Palat. | 39 Mr. K. Kesavaramamurti Nayudu |
| 18 Rao Bahadur R. Srinivasan. | 40 „ F. J. Stanes. |
| 19 Diwan Bahadur A. Appadurai Pillai. | 41 „ M. A. Muthiah Chettiyar. |
| 20 Rao Sahib N. Siva Raj. | 42 „ K. M. Doraiswami Reddiyar. |
| 21 Mr. D. M. Reid. | 43 „ H. M. Jagannatham. |
| 22 The Raja of Parlakimedi. | 44 Diwan Bahadur S. Ellappa Chettiyar. |

Neutral.

- | | |
|----------------------------------|---|
| 1 Rao Bahadur Sir A. P. Patro. | 5 Subadar-Major S. A. Nanjappa Bahadur. |
| 2 Sriman M. G. Patnaik Mahasayo. | 6 Diwan Bahadur C. S. Ratnasabhapati Mudaliyar. |
| 3 The Zamindar of Mirzapuram. | |
| 4 Mr. T. Narasa Reddi. | |

Ayes 20. Noes 44. Neutral 6.

The amendment was lost.

The House then adjourned for lunch.

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After Lunch (2-30 p.m.)

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I move that the following be added at the end of section 49 (1) (b) (vi):—

'or is the wife of a person possessing any of the qualifications referred to in sub-clauses (i) to (vi).'

"My object in moving this amendment is this. Though I have moved in a previous amendment that those who are qualified to be electors to the Legislative Assembly should also be brought under this provision; after hearing the arguments of the Hon. Minister, I thought it was not desirable to move that amendment; and I therefore omitted all the other portions except this which I think will be relevant to this section; and this will also be in consonance with the view of the Government. I therefore want to include a provision to the effect that the wives of men who are voters to the Legislative Assembly should also be included as voters to the Corporation, because I think this will be one of the methods by which the number of voters will be increased. I hope this will not complicate matters. There is yet another reason for inserting this provision because we should give more franchise to ladies also to enable them to take up more responsibilities in the civic affairs of the Corporation. That is why I want that wives of men who pay taxes to the Corporation should come under the category of voters."

Dr. P. SUBBARAYAN:—"I second it, Sir."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"Sir, I rise to support the amendment moved by my hon. Friend, Mr. Krishnayya Choudari. Recently when the Government called upon the local officials to prepare the list of voters in connexion with the deliberations of the Delimitation Committee, I think orders were issued to prepare the list so that it may be 10 per cent more than the usual population of the scheduled castes, I mean the male members who are eligible to become voters, and that their wives also can be included as voters. So, that principle has been accepted by the Government. That being the case, I do not see why this amendment should not be accepted. Especially in the case of those people who have not got much property in the city, I think it will be an advantage to the womenfolk also if they are given the power of voting. I therefore strongly support the amendment."

Mr. T. SUNDARA RAO NAYUDU:—"Mr. President, Sir, I rise to oppose the amendment moved by my hon. Friend, Mr. Krishnayya Choudari. The Hon. the Chief Minister has already explained to the House the criteria for the inclusion of names in the voters list as also the qualifications that are necessary for the purpose. I have already stated in my previous speech that if any person is to be included in the voters list, he must have paid something to the coffers of the Corporation. Then, Sir, in the City of Madras, majority of the properties are owned by women and not by men. If you take the property list in the Corporation, you will find that about 60 per cent of the property

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stands in the name of women and only about 40 per cent stands in the name of men. If in the voters' list we do not find a sufficient number of women, it is on account of the fact that according to the old Act, unless and until all the taxes due and payable by the assessee is paid before the 31st of March, his or her name is not included in the voters' list. That is why several names which ought to have found a place in the voters' list have been removed. As a result of the new amendment that has been passed this morning, you will find that about 25 per cent more will be added to the voters' list and there will be no useful purpose in adding some more names to the voters' list by the mere fact that one happens to be the wife of a person who pays a tax to the Corporation. On this ground, therefore, I strongly oppose the amendment moved by my hon. Friend, Mr. Krishnayya Choudari."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, Sir, I rise to support the amendment moved by my hon. Friend, Mr. Krishnayya Choudari, namely, that the wives of all men tax-payers should be qualified to vote, though I do not agree with Mr. Krishnayya Choudari's argument that women simply because they are the wives of husbands who possess the qualifications to vote, should be given the vote. I am of opinion that, women should rest on their own legs and if they have any property they should be qualified to vote; on their own merits they should be qualified to vote. On that ground, I do not see eye to eye with my hon. Friend, Mr. Krishnayya Choudari. But with regard to the other argument that he advanced when he said that by including the wives of men tax-payers in the electoral rolls, the electorate would be enlarged, I perfectly agree with him, because we have been urging the principle that franchise should be lowered and that we should have as big an electorate as possible. On that ground I support the amendment of Mr. Krishnayya Choudari because by his amendment we would be bringing into the electoral rolls as many women as possible, I mean such of those women whose husbands are qualified to vote."

Mr. G. RAMESWARA RAO:—"On a point of order, Sir, the House has no quorum."

2-45
p.m.

The Hon. the PRESIDENT:—"The hon. Member does not seem to have properly counted."

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil:—

"மிஸ்டர் கிருஷ்ணய்ய சவுதாரி அமெண்டுமெண்டை ஆசேஷிக்கிறேன். ஒரு வரி செலுத்தும் புருஷனுக்கு ஒட்டு இருந்தால் பெண்சாதிக்கும் ஒட்டு கொடுக்க உரிமை வேண்டுமென்கிறார்.

"இம்மாதிரியானால் ஒரு வரி செலுத்தவோருக்கு இரண்டு ஒட்டு கொடுக்க ஏற்படுகிறது. இது, ஒரு ஆச்சரியமான யோசனை.

"பெண்சாதி பேராலிருந்து வரி செலுத்தினால் ஒட்டுரிமை பெண்சாதிக்கு மட்டும் தான் இந்த கேசில் புருஷனுக்கு ஒட்டுரிமை இல்லை என்று சட்டம் ஏற்படுத்தியாய்விட்டது.

"இவள் அடைகிற நற்காரியத்தில் புருஷனுக்கு பங்கு இருக்கப்படாதபோதும் ஆனால் இதுதான் தர்ம சாஸ்திரத்துக்கு ஒத்திருக்கிறது.

[Mr. P. C. Muthu Chettiyar] [7th November 1935]

“புருஷன் செலுத்திய வரிக்கி மட்டும் இருவருக்கும் ஒட்டுரிமை வேண்டுமாய் விரும்பப்படுகிறது.

“இது எப்படி அநேக கேசுகளில் புருஷனுக்கு சரியான பெண்சாதிதான வென்று எப்படி அறியமுடியும். பெண்சாதிகள் எத்தனைக்கு? இது நிற்க ஈஸ்வரனுக்கு அர்த்தனூர்சுவரர்யென்றும் உமையவள் பாகனென்றும் நாமதேயங்களுண்டு. இதனால் பாதிக்கு உமையவள் பாகமானதால் இந்த நியாயப்படிக்கு ஒரு புருஷன் இரண்டுவிதமான அமைப்பாகிறார். அதுபற்றி ஓர் நியாயம் நினைக்கலாம் சரிதான். அப்படியென்றால் அதின்படி ஒட்டுரிமை மார்க்கு செய்யும் போது தம்பதிகளாய் வந்து மங்களாசாசனம் செய்வதுபோல் முதலில் புருஷனால் ஒரு கோடு/மார்க்கு செய்து ஆரம்பித்து அப்பால் ஸ்ரீமதி ஷெ அம்மாளால் பாக்கி கிராஸ் கோட்டை/போடும்படி செய்தால் அது ஒரு ஒட்டாக X சேர்த்துப் பொருந்தும்.

“அப்படியல்லவாது இரண்டு ஒட்டுக்கு இடம் செய்வது நியாயமில்லை என எண்ணுகிறேன்.”

* Diwan Bahadur C. NATESA MUDALIYAR:—“ Mr. President, Sir, no doubt it is a very good suggestion that we should enlarge the number of voters in the City but there are communities in which the wives of the husband voters will not come and vote. When the officers of the Corporation go to a house of female voters they do not easily get the name of the voter. Muhammadan members of this House who are not in their seats should have a say on this question. Let the Muhammadan members come and consider deeply over this matter. It is only certain communities that will be benefited by this amendment. I see the Lady Member is quite willing to accept the amendment. When wives of the husband voters have vote, why not the husbands have the same privilege? Then there will be some meaning in bringing forward this amendment. Generally it is only modernized women that will go to the polling station to vote.”

K. AHMED MEERAN SAHIB Bahadur spoke in Tamil.—He said that this amendment was to include the wives of the tax-payers as voters in the Corporation. He said that he was quite willing to accept the amendment as it tends to increase the voting strength. He was one of those who wish to enlarge the franchise somehow or other. He was not prepared to accept the statement of Dr. Natesa Mudaliyar that it would be a real hardship for the gosha women to come to the polling station. As a matter of fact the Muhammadan women would be most willing to come and vote because nowadays special provisions have been made by means of separate polling booths and other arrangements for gosha ladies. He strongly supported the amendment.

* The Hon. the RAJA OF BOBBILI:—“ Sir, as far as I am aware, protests have been received from several associations in this country against the enfranchisement of the wives of voters. It is surprising to find that although my hon. Friend objects to the amendment on that ground, she supports the amendment on other grounds. But according to the principle laid down by the Select Committee the first qualification for an elector was the full contribution to the Corporation. As that principle is violated, I oppose the motion.”

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* Dr. P. SUBBARAYAN:—" Mr. President, certainly there are two views on this point. I am afraid the Chief Minister is entirely wrong in saying that women are opposed to what is called the wifehood franchise which is well-known in England. Most of the women organizations took this wifehood franchise as one qualification because they feel that a large number of women should be on the electoral rolls. There is this difference in this country. The Lothian Committee after having gone into the question decided that the time has come when there should be a large enfranchisement of women in this country and also recommended that the wifehood qualification is to be one of the basis on which women ought to be brought on the electoral roll and this has been adopted by the Government of India Act, 1935. Franchise of women whose husbands are qualified to be voters should be brought under the present constitution and what Mr. Krishnayya Choudari's amendment demands is that the same course may be adopted in regard to the City Corporation. The Hon. the Chief Minister would admit that women in this country are as much interested in the civic welfare of the City as men are and that is the reason why I think that the House should accept the amendment proposed by Mr. Krishnayya Choudari."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Mr. President, Sir, I found the other day in the Delimitation Committee they wanted all the lady seats to be given to Madras because Madras is a very important City. To-day I am surprised to find in this House that Members are nervous to give this little privilege to women. When the Corporation prepare electoral rolls to the Legislative Assembly I find no difficulty for the same body to prepare electoral rolls for women whose husbands are voters to the Corporation. The returning officers are the same to the Legislative Assembly and they may undertake this work also. I feel, Sir, this amendment is an important one and that the House will accept it. I appeal once again to the House."

The amendment was put and lost.

* Mrs. A. RUKMANI LAKSHMIPATHI:—" Sir, I have given notice of an amendment for the omission of sub-section (2) thinking that my amendment on the adult franchise would be accepted but since that amendment has been rejected by the House, I do not propose to move this amendment."

* Mr. T. B. RUSSELL:—" I beg to move, Sir, the amendment that stands in my name, viz.:—

'For sub-section (2) of section 49, the following shall be substituted, namely:—

"If on the preparation of the divisional electoral rolls, the number of Adi-Dravidas thereon does not bear to their population in the city at the census immediately preceding the preparation of the rolls, the same proportion as that which the aggregate number of the electors of other

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communities bears to the total population in the city of such communities, the Local Government may, in order to make up the deficiency in the number of Adi-Dravida electors, prescribe such wider qualifications as they may deem fit in the case of Adi-Dravidas; and every Adi-Dravida possessing any one or more of such qualifications shall be included in the electoral roll of the division in which he possesses the residential qualification”.

“ Sir, the amendment is a long one and it has been already approved by the Select Committee. It only makes two or three minor changes. It is only a verbal alteration. It proposes to substitute the word ‘wider’ for ‘special’.”

Mr. T. SUNDARA RAO NAYUDU:—“ I beg to second it.”

The amendment was put and carried.

Mr. T. B. RUSSELL:—“ Mr. President, I beg to move—

‘ At the end of sub-section (3) the following shall be added, namely:—

“ The person so entitled shall be included in the electoral roll of the division in which the principal office in the city of the company or association or the principal residence in the city of the family, as the case may be, is situated.” ’

“ This is a drafting amendment.”

Mr. T. SUNDARA RAO NAYUDU:—“ I second the motion.”

The amendment was put and carried.

Mr. T. B. RUSSELL:—“ Mr. President, Sir, I beg to move—

‘ For the proposed section 49-A, the following shall be substituted, namely:—

“ 49-A. No person shall be included in the electoral roll as qualified to vote at the election for either of the labour constituencies referred to in section 46-B—

‘ (a) unless he has resided in the city for ninety days in the aggregate in the year preceding that in which the electoral roll is published; and

(b) unless he is either—

“ (i) a manual labourer who works in a factory as defined in the Factories Act, 1934, and situated in the city, or

(ii) an ordinary member of a trade union which was registered in the city not less than one month before the preparation of the electoral roll, and actually engaged or employed in an industry with which the trade union is connected.” ’

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"The change in the section proposed by the Select Committee is to make the period of residence definite. The Select Committee merely prescribed a period but did not specify the period."

Mr. C. BASU DEV:—"I second the motion."

Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, Sir, may I know why when in the case of the other electors the period of residence is 120 days, in this case it is 90 days. I fail to see the reason why uniformity has not been observed and 120 days' residence has not been prescribed."

Mr. T. B. RUSSELL:—"The shorter period was fixed to widen the franchise for labour. The Government will have no objection to the longer period being adopted if that be the general sense of the House."

Dr. P. SUBBARAYAN:—"Mr. President, the ex-Mayor suggests a period of 120 days. I think, Sir, that as the labourers are all casual employees a provision of this nature will rob them of their vote. I am sorry that my hon. Friend Mr. Russell has so easily fallen into the net laid by the ex-Mayor. I appeal to the Government that 90 days should be retained."

The amendment was put and carried.

Clause 25 as amended was put and carried.

Clause 28.

New section 51.

Mr. T. B. RUSSELL was called to move his amendment.

* Mr. T. SUNDARA RAO NAYUDU:—"Mr. President, Sir, I request to be permitted to move amendment No. 77 which stands in my name. If that amendment is considered and passed, it may be incorporated in Mr. Russell's amendment and the whole thing can be passed. My amendment is that at the end of section 51 (1) (a) (i), the following be added:—

'and has paid all taxes due by him to the Corporation before the date of nomination'.

Mr. Russell's amendment only required the payment of property and profession taxes. The object of my amendment is that the intending candidate should have paid all taxes due to the Government before the nomination papers are filed."

* The Hon. the PRESIDENT:—"Mr. Russell may move his amendment and the hon. Member may move his amendment as an amendment to Mr. Russell's motion. I think that will be the proper course."

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, before my hon. Friend Mr. Russell makes the motion, I like to request that I may be permitted to move the amendment standing in my name (item No. 83). If Mr. Russell's amendment or Mr. Sundara Rao's amendment is considered and passed, Mr. President, it will defeat the object of my amendment. My amendment says that, as in the case of the

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electors, mere assessment would be sufficient for enabling a candidate to stand for election, etc. Mr. Russell's amendment states that no person shall be qualified for election as a councillor unless he has paid the profession and property tax. But I have stated that mere assessment is enough. As I stated, Sir, if either Mr. Sundara Rao's amendment or that of Mr. Russell is considered and passed, the object of my amendment would be defeated."

Mr. T. SUNDARA RAO NAYUDU:—" May I also explain my position, Sir."

* The Hon. the PRESIDENT:—" I will first allow Mr. Russell to move his amendment."

* Mr. T. B. RUSSELL:—" Mr. President, Sir, I move—

' For sub-section (1) of the proposed section 51, the following section shall be substituted, namely:—

" 51. (1) No person shall be qualified for election—

" (a) as a councillor in respect of any of the forty general divisional seats, unless—

" (i) he has paid the property and profession taxes, if any, due by him under this Act up to and including the preceding half-year; and

(ii) his name is included in the electoral roll of any of the forty divisions of the city;

" (b) as a councillor in respect of any of the three divisional seats reserved for Adi-Dravidas, unless—

" (i) he is himself an Adi-Dravida;

(ii) he has paid the property and profession taxes, if any, due by him under this Act up to and including the preceding half-year; and

(iii) his name is included in the electoral roll of any of the forty divisions aforesaid;

" (c) as a councillor in respect of a labour constituency, unless—

" (i) he has paid the property and profession taxes, if any, due by him under this Act up to and including the preceding half-year; and

(ii) his name is included in the electoral roll of either of the constituencies for labour; and

" (d) as an alderman, unless—

" (i) he has paid the property and profession taxes, if any, due by him under this Act up to and including the preceding half-year; and

(ii) his name is included in the electoral roll of any of the forty divisions referred to in clause (a) or in the electoral roll of either of the constituencies for labour referred to in clause (c) or he is a member"

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“ There is a small variation from the amendment originally given notice of by me and with your permission, Sir, I will read it out—

‘ possessing the residential qualification under section 49-A of any of the bodies referred to in clauses (b), (c), (d) and (g) of sub-section (i) of section 5 or he is a trustee of the Port of Madras.’

“ The alteration in the Bill as amended by the Select Committee was made on the representations of the European group who pointed out that, under the section as it was drafted, there was no provision for the members elected by special constituencies to be aldermen. I do not think that it was the intention of the Select Committee. It was so far as I am aware an oversight. Therefore, we have made suitable alterations to secure that members of special constituencies shall be eligible to be aldermen.

“ It was pointed out to me that as drafted it was permissible for a member representing a special constituency not resident in Madras to be an alderman. It is not probable that a member having his residence outside Madras—Trichinopoly for instance—will take the trouble of coming all the way to Madras to attend the Council. But any way, there was no bar to his being on the Council, as the clause at present stands. To make the position absolutely safe, I have introduced the amendment.

“ I am not entirely satisfied that no further drafting difficulties will arise but I hope they will not.”

Mr. T. SUNDARA RAO NAYUDU:—“ Mr. President, I rise to second the long amendment of my hon. Friend and at the same time I am not pressing my amendment.”

Dr. P. SUBBARAYAN:—“ Mr. President, I can understand the Government wanting to retain the section about the payment of tax for qualification. They have now given it up altogether. That depended upon the finances of the Corporation, because that would lead to speedy collections. After all the number of councillors and aldermen is now being fixed at 65. It will not be anything by way of financial help, that a person should pay his tax before he stands for election. During the first meeting of the Select Committee that I was able to attend I said it was a wrong principle to make the payment of tax a condition precedent to being put on the electoral roll. I stand by that. I would therefore plead not to make a distinction between an elector and a candidate. If the candidate has his name on the electoral roll then he should be entitled to stand. The collection of tax is a matter for the Corporation officials as the Corporation officials are the people who are concerned with it. I do not think you should penalize a candidate merely on the question of his not having paid his tax.”

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—“ There is sometimes a doubt whether a tax has been paid or not. There have been several cases in which demand was not made and the bill collector did not come within the year itself. What we are generally doing in the

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mufassal is—and I do not think in Madras City it is different—that the bill collector comes and demands payment of taxes. Whatever he claims we give. When we find a receipt in our name we generally make payment. Sometimes it may be for the whole period or not. It may be, for a property somewhere a person might not have paid when he has a large number of properties. The tax payer does not look into it. It is only when the bill comes the money is paid. If the bill collector does not come the money is not paid. Also if some of the people are interested, the bill collector for instance or somebody else it can be easily managed so that one does not pay all the taxes, because as I said persons with several properties are not likely to know whether any payment for that half year was made for all his properties or not. So in view of that if the Government wants to insist on some payment. I do not have any objection. But to say that all the dues of the man ought to be paid seems to me to be a matter for question. I hope the Government will look into that aspect of the matter.”

* Mr. M. A. MUTHIAH CHETTIYAR:—“After all it does not matter if a candidate is in arrears of tax because he cannot escape payment. The money can be collected. The difficulty will be found in practice to exclude such men. When there is an assessment in question he appeals to the Standing Committee. The Standing Committee takes a number of months to decide. In the first instance, it comes to the Commissioner for review and then there is an appeal to the Standing Committee. It will take four months. But the answer could be given that he can pay the money under protest and then take the refund after disposal of the appeal. I know Government can easily give that answer. I would appeal to Government not to insist on this condition because after all it is only one year's tax that can be in arrears.”

* Diwan Bahadur A. APPADURAI PILLAI:—“I would draw your attention, Sir, to the fact the Mover's amendment practically covers the same ground as my amendment. My amendment is to substitute: ‘Unless he has been assessed in the previous year to property tax or profession tax.’ That means that no payment need be insisted upon, in the case of persons standing as candidates for election. In other words, both the elector and the candidate should stand in the same position. I do not know what the object is in differentiating between the qualifications of the candidate and the voter. The elementary principle in all matters of democratic representation is that any elector ought to be able to stand as a candidate. That is the principle, Sir, accepted in the Government of India Act, and so far as the Legislative Council elections are concerned any elector is eligible to stand as a candidate. That is the principle on which the Joint Committee on Indian Reforms have stated that the qualifications of the candidate and the electorate should be alike for the simple reason that no elector should be disqualified from standing as a candidate. The arguments that I should advance in respect of this amendment have been anticipated by Mr. Sundara Rao Nayudu, in connexion with amendment

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No. 54. He stated that an elector need not have paid the tax, and that it is quite sufficient if he has been assessed the previous year. You will remember, Sir, that the House accepted the amendment. The amendment proposed by Sir William Wright was to the effect that the dues should not be in arrear for more than a year. The same conditions might apply to the candidates also. As the clause now stands the implication seems to be that there ought to be some sort of difference between the elector and the candidate. I think, Sir, after all if we insist upon that sort of difference there is a very great danger of persons who are eligible to stand as candidates being disqualified for non-payment of taxes. One of the reasons advanced by Mr. Sundara Rao Nayudu is that some times the bill collectors do not go to collect taxes. The same reason would apply to candidates. If it is sought to keep back a person from qualifying himself as a candidate it is quite easy not to collect tax from him. The next point is, Sir, that it would facilitate the preparation of electoral roll for the Legislative Assembly and the Council elections if similar qualifications are maintained for both bodies. It is on these grounds that I move my amendment. The Corporation authorities are there to see that all the amounts are duly collected. The amounts are collected with all costs and other incidental expenses. Where then is the need for prescribing a difference between the elector and the candidates? If we think that an elector can come into an electoral roll for having been assessed, I contend the same concession should be allowed in the case of a candidate."

Dr. P. SUBBARAYAN:—"I am aware that the Chief Whip is in agreement with the proposition I made. I think it will be carried out in Mr. Russell's amendment. I move the following amendment to the amendment of Mr. Russell—

'In new section 51, sub-section (1)—

- "(1) in sub-clause (a) delete (i) and re-number (ii);*
- (2) in sub-clause (b) delete (ii) and re-number (iii);*
- (3) in sub-clause (c) delete (i) and re-number (ii); and*
- (4) in sub-clause (d) delete (i) and re-number (ii)."*

"As has been explained, after all a person has got to be assessed and must have paid his tax. The fact that he is on the electoral roll will qualify him. That is my amendment."

* Diwan Bahadur T. A. RAMALINGA CHETTIYAR:—"I second the amendment. Supposing there is the agreement that the tax should be paid by the lessee and the tax is not paid by the lessee the landlord will be penalized because the house will stand in his name. In view of this, I hope Government will accept it."

* The Hon. the RAJA OF BOBBILI:—"Sir, my hon. Friend, the 3-30
Leader of the Opposition, is wrong in assuming that the object of this p.m.
amendment is to facilitate the collection of revenues. The intention
of this amendment is that the candidates who want to stand for election

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should set an example by not being in arrears to the Corporation. As regards the other difficulties pointed out by Mr. Ramalingam Chettiyar, those will apply with equal force to the restrictions laid down with reference to electors."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"In the other case, the payment of any tax is enough, but in this case the candidate must have paid all the taxes."

* The Hon. the RAJA OF BOBBILI:—"No, Sir. Perhaps the hon. Member was not here when we dealt with the section this morning. The amendment is that he must not be in arrear for more than one year, which means he can be in arrear for one year. Sir, I am not very particular about this. If it is the general desire of the House that there should be no differentiation between the qualifications of a candidate and those of a voter, I have no objection. I have only to explain the reasons underlying the Government amendment and point out that it is not intended to facilitate the collection of revenue as the Leader of the Opposition has assumed. It is merely to see that a candidate who wants to stand should set an example by paying the taxes he owes to the Corporation. It is not desirable that the candidate himself should be a defaulter to the Corporation."

* Mr. T. C. SRINIVASA AYYANGAR:—"Mr. President, Sir, now that the Hon. the Chief Minister has stated frankly that the object of the amendment is not to facilitate collection of revenues but to see that the candidate sets a high example, one main reason which may underlie the Government amendment vanishes. True, all must set a very good example, particularly people who aspire to govern the affairs of the City Corporation, but there may be many reasons why even an ideally honest man for no intentional fault of his, may have failed to pay all the taxes or rates due by him within the proper time. The question may arise whether the non-payment was due to his own fault or due to accidental circumstances such as the notice of demand not having been served on him. Enormous number of contentions may arise from irregularities. Our attempt must be to simplify the procedure of elections and see that as far as possible they are conducted with the least trouble. In the light of the views expressed by the Hon. the Chief Minister I hope the House will agree to the amendment in view of the complications that would arise both before and after the polling, if this condition of payment of all the taxes were made a qualification for an elector to stand as a candidate for election. Any one who aspires to get elected as a councillor should not be wanting in promptitude in the payment of the taxes. But to put it as a qualification for a candidate would lead to undesirable, undesired and ulterior results."

* Mr. K. KOTI REDDI:—"Mr. President, I submit that on the other hand, it would be better if the Hon. the Chief Minister insists that after becoming councillors they should be prompt in the payment of

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their taxes and set an example to others. Even to-day municipal chairmen and commissioners send circulars to members who are in arrears reminding them that they ought to set an example to others by paying up all arrears. That would be better than making the payment a qualification for a candidate for election. Nowhere else in the world is it made a qualification. If attempts are made to make a difference between the qualifications of a candidate and those of a voter, it is objectionable. The only distinction that is usually made is with regard to the age of the candidate and that also is usually made with regard to candidates for upper chambers. I do not see why we should impose a qualification which is imposed nowhere else in the world. This sort of setting an example by compulsion is not right."

* The Hon. the RAJA OF BOBBILI:—"With regard to this question of making the candidate set an example, I should point out that the present Municipal Act requires that a person who wants to have his name registered as a voter, must pay all the taxes due by him. We have now relaxed all these restrictions and as a result of the amendments accepted by the House, the present position is that he must not be in arrears for more than one year. When that is the position, I do not see what objection there can be in having six months here. I do not say that the six months period is sacrosanct or that it should not be altered. But this amendment is not so meaningless or senseless as it is sought to be shown. If it is the general desire of the House to remove these restrictions, I am not fighting against it. What I have said is that there is no absurdity. The law at present says that a person, to qualify himself as an elector, must pay all the taxes due by him. As a matter of fact, we are proceeding in the direction of relaxing the restrictions rather than adding to them."

* The Hon. the PRESIDENT:—"Does Mr. Natesa Mudaliyar want to move his amendment?"

Diwan Bahadur C. NATESA MUDALIYAR:—"No, Sir."

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil:—

• "இந்த அமெண்டுமெண்டை ஆசேடிக்கிறேன். ஆனரபல் மெம்பர் ரசல் துரை அவர்கள் இதில் சொல்லுகிறபடி காண்டிபேட்டாய் வருபவர்கள் அவர்கள் கார்பரேஷனுக்கு செலுத்தவேண்டிய பூரா பாக்கி வரி வகையறு எல்லாம் செலுத்தியபின் காண்டிபேட்டாய் வரவேணுமாய் சொல்வதை ஆசேடிக்கிறது. ஒட்டர்களின் பேர் ஒரு வருஷத்திய பாக்கிக்கி மேலிருந்தால் லிஸ்டுக்கு வருவதில்லை. ஒரு நபருக்கு அனேக லீடுகளிருக்கலாம். அதற்குரியவர்களில் ஐந்து அல்லது பத்து வருஷத்துக்கு குத்தகையாக விட்டிருக்கலாம். அதற்கு டெண்ணெண்டு செலுத்தக்கூடிய ஒப்பந்தமிருக்கலாம். அப்படிப்பட்ட கேசுகளில் எப்படி செலுத்த முடியும். உயர்ந்த வரி அல்லது ரிமிஷன் செய்யவேண்டியதான வரி இதுகள் சம்மந்தமாய் அப்பீல் செய்யவேண்டியதாகவோ பெண்டிங்காகவோ இருக்கலாம். இதுகளிலும் நோட்டீசு வாராமலோ கொடுக்காமலோ இருக்கிற கேசுகளிலும் ஏதோ ஒரு அயிட்டத்துக்கு தெரியாமலே பாக்கி நேர்ந்திருக்கலாம். இதுகளிலும் பணம் செலுத்தவில்லை என்கிற காரணம் சொல்லி காண்டிபேட்டை விரட்டிவிடுவது நியாயமாகுமா?"

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“அன்னியில் இது இதர மாகாணத்துக்கு ஜில்லாக்களில் பிரவேசிக்க இடமாகும். பெரிய எலெக்ட்ரிக்ஸ்களும் லாண்டு ஹோஸ்டர் ஜமின்தாரிகளுக்கும் ரிவினியூ தீர்வை பேஷ்கிஷ்விதிகள் லஷ்க்கணக்காயுள்ளவை எல்லாம் செலுத்தும்படி சொன்னால் எப்படி முடியும்.

“ஒரு எலக்டோரல்ரோல் தயாராகும்போது அதற்கு பல சடங்குகள் செய்து கட்சியாக ஸ்கூல்டிணிக்காக ஆபீஸர்கள் நியமுகமாகி பயனலாக்கி விடுகிறார்கள். அதில் பிரிண்டிங் மிஸ்டேக்காக அனந்த நாராயணனுக்கு ஆனந்த நாராயணன் என்று பிரிண்டாயிருந்தால் அப்படிதான் (நாயினி) பெயரை போடவேணும். ஆகிய கண்டிஷன்களுள்ள ஒட்டர் லிஸ்ட்டுக்கு மறு ஏற்பாடு நுழைவித்தால் ஸுல்ஸ்க்கே முரணாகும். ஆதலால் இந்த ஏற்பாட்டை ஆசேஷ் பிப்பது நியாயமாயிருக்கிறது.”

Mr. T. B. RUSSELL:—“ I accept Dr. Subbarayan's amendment.”

Dr. Subbarayan's amendment was put and carried. Mr. Russell's amendment ^a as amended by the amendment of Dr. Subbarayan was put and carried.

* The Hon. the PRESIDENT:—“ We have now covered all the amendments up to No. 85.”

Mrs. A. RUKMANI LAKSHMIPATHI:—“ There is one consequential amendment, No. 74.”

* The Hon. the PRESIDENT:—“ The Hon. Member's amendments Nos. 74, 75, 78 and 82 cannot be moved since they have been covered by the previous amendments.”

Clause 28 as amended was put and carried.

Clause 46.

* The Hon. the PRESIDENT:—“ Hon. Members will note that on the previous day when we adjourned the consideration of this clause;

^a For sub-section (1) of the proposed section 51, the following section shall be substituted, namely:—

“ 51. (1) No person shall be qualified for election—

(a) as a councillor in respect of any of the forty general divisional seats, unless his name is included in the electoral roll of any of the forty divisions of the city;

(b) as a councillor in respect of any of the three divisional seats reserved for Adi-Dravidas, unless—

(i) he is himself an Adi-Dravida; and

(ii) his name is included in the electoral roll of any of the forty divisions aforesaid;

(c) as a councillor in respect of a labour constituency, unless his name is included in the electoral roll of either of the constituencies for labour; and

(d) as an alderman, unless his name is included in the electoral roll of any of the forty divisions referred to in clause (a) or in the electoral roll of either of the constituencies for labour referred to in clause (c) or he is a member possessing the residential qualification under section 49-A of any of the bodies referred to in clauses (b), (c), (d) and (g) of sub-section (i) of section 5 or he is a trustee of the Port of Madras.”

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[The President]

amendment^a No. 86 had been moved by Mr. Basheer Ahmed and duly seconded and supported by several hon. Members. It was postponed on account of the fact that the constitution of the Corporation was still pending. Further discussion upon that motion will continue.

“The question is ‘omit sub-clause (i)’.”

3-45
p.m.

The amendment was put and lost.

Clause 46 was put and carried.

Clauses 52 to 54 were put and carried.

Clause 55.

Section 101.

* Diwan Bahadur A. APPADURAI PILLAI:—“Sir, I beg to move the amendment standing in my name:—

‘To clause (c) in sub-clause (ii) add the following:—

• “and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and similar institutions run purely on philanthropic lines”.’

The words found in the present clause are: ‘places used for the charitable purpose of sheltering the destitute or animals.’ These words will not cover all the cases mentioned in my amendment. As there is some doubt, it is desirable that it should be expressly provided for. In the city there are several institutions of the kind I have enumerated in the amendment, which are conducted on purely philanthropic lines. It is the desire of Christian missionaries and others who are in charge of these institutions that these should be brought within the scope of clause 55. If they are not exempted from taxation, it will work a great hardship. These institutions should naturally be looked after either by the Government or by the Corporation. When Christian missionaries and other public bodies come forward to manage such institutions, it seems but necessary and desirable that they should be exempt from the payment of tax. In order to make the position clear, it is considered by some of us that the exact cases intended should be specified. I commend my amendment to the acceptance of the House.”

Mr. G. R. PREMAYYA:—“Sir, I have great pleasure in seconding this amendment. This is a very reasonable amendment. Every one of us knows how these institutions have been established and managed. There are institutions which are managed by Hindus, like the Seva Sadan and the Ramakrishna Mission Students Home. Christian institutions, Muhammadan institutions, Hindu and other institutions should be exempted for the simple reason that they are maintained out of charitable funds. Whether these institutions are managed with the help of funds from America or from India, they should be exempted.”

^a “Omit sub-clause (1).” This amendment was moved on 9th August 1935 by Mr. Basheer Ahmed Sayeed and further consideration thereof was postponed—vide Volume LXXVII, pages 539-47.

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Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"Sir, I beg to oppose the amendment. No doubt, as suggested by my hon. Friend on the other side, this appears to be a very modest amendment. You must also consider the amount of money involved which would be lost by the Corporation. I have not got the figures here; if necessary, they can be supplied. To the institutions referred by my hon. Friend, Mr. Appadurai Pillai, the Corporation are rendering various municipal services; therefore I do not see why they should be exempted from taxation. The chief point to be considered is the revenue which the Corporation would lose. With these words, I beg to oppose the amendment."

Sriman M. G. PATNAIK Mahasaya:—"Sir, I am really surprised at the Commissioner of the Corporation opposing this amendment. It is the duty of the Corporation itself to maintain such institutions; but if others come forward to do so, the Corporation should not think of getting tax from them. These are charitable institutions and they should be exempt from taxation. Instead of the Corporation contributing towards the expenses of the management of these institutions, they want to get some money from them."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Sir, I think the Act provides for certain things. I think my hon. Friend, Mr. Appadurai Pillai, is anxious to have the position cleared. The clause refers to choultries for the occupation of which no rent is charged, to places used for charitable purposes, to ancient monuments, to charitable hospitals and dispensaries, and to hospitals and dispensaries maintained by railway administrations. Such being the case, it is quite reasonable that my hon. Friend, Mr. Appadurai Pillai, should request the Government to clear the doubt whether the institutions referred to by him will be exempt from taxation. I feel that this amendment should be accepted by the Government."

* Mr. M. DEVADASAN:—"Sir, I support the motion moved by my hon. Friend, Mr. Appadurai Pillai. The expert Member stated that much loss will be incurred by the Corporation if this amendment is accepted. He has not stated what would be the amount of loss. In the city of Madras it is absolutely necessary that there should be such institutions as are mentioned in the amendment. Such institutions should be maintained by the Corporation itself at its own expense. Instead of paying contribution to these institutions which are run with the help of funds got outside India also, the Corporation wants to tax them. I do not see why the Corporation of Madras should not extend the same liberality and generosity to these institutions as the foreign missionaries have done. It is quite legitimate and proper that the Corporation should not levy any tax upon these institutions. These institutions are absolutely necessary in the interests of the civic welfare of the city. I urge that the Members of this Council should accept

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this amendment. There cannot be any justification for the denial of the right which the amendment seeks to provide. With these few words, I support the amendment."

Rao Bahadur P. C. MUTHU CHETTIYAR:—

"இந்த அமெண்டுமெண்டை ஆதரிக்கிறேன். அதாவது, அனாதை குழ 4 p.m.
ந்தைகளை பரிபாலித்து ஆதரிக்கும்படியான சங்கங்கள், பயித்திய ஆஸ்பத்திரி,
லெப்பர் ஆஸ்பத்திரி, ஊமைப் பள்ளிக்கூடம் இது போன்ற நற்காரியங்களை
செய்யும்படியான சங்கங்களுக்கு அல்லது இன்ஸ்டிடியூஷன்களுக்கு வரி விதிக்க
கிறது கூடாதகாரியம்.

"மதுரையில் மிஸ் மார்கர் லேடி அம்மாள் சில குழந்தைகளை பாதுகாத்து
வருவது பாறாட்டத்தக்கது. அதற்கு அனேகர்கள் உதவி செய்வார்கள். இங்கு
இருக்கும் ஆராயின் மெம்பர் போடி ஜமின்தாரவர்களும் உதவிசெய்திருப்பா
ரென்று எண்ணுகிறேன். ஒரு சமயம் திருப்பரங்குன்றத்தில் செடியில் ஒரு
குழந்தை சிசு கிடந்து எடுத்து வளர்க்க விரும்பி இருக்கிறார்கள். எனக்கு
தெரிந்தவரை லோகல் போர்டாராலும், முனிசிபாலிட்டியாராலும் இவைகளுக்கு
வேண்டிய உதவி செய்து வந்திருக்கிறோம்.

"இம்மாதிரி காரியங்கள் ஒரு பெரிய கார்ப்பரேஷனில் தாராளமாய் பேச்சுக்கு
இடமன்னியில் வரி விதிக்கக்கூடாது என்று செக்ஷனில் கண்டிருக்க வேண்டி
யது கவனிக்கப்படாதிருந்ததைப்பற்றி வருந்தத்தக்கது.

"இம்மாதிரி காரியங்களில் விஸ்தாரமான எண்ணத்தை கொடுக்கவேண்டு
மாய் விரும்புகிறேன்."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The
Commissioner said that the Corporation was rendering services to these
institutions and that therefore they cannot be exempted from paying
the property tax. But in the case of hospitals and dispensaries also
such services are being rendered by the Corporation and in fact they
are more than what is expected to be done in regard to these institu-
tions. A hospital may contain, say 100 beds, and the services to be
rendered to that hospital by the Corporation must necessarily be more
than what they will be to an institution of this kind—which must be
comparatively small. It may be contended that some form of handicraft
is carried on in these institutions and large collections are being made
and that therefore there is sufficient justification for the payment of
the tax. But, Sir, these collections are not much and the management
have to spend large funds on capital outlay. Moreover, the duty of
maintaining such orphanages and homes devolves on the Corporation.
I know certain mufassal municipalities are maintaining such institu-
tions. That being the case, the Corporation should at least exempt the
buildings in which the institutions are housed, from all tax. While
I support this amendment, I move for the insertion of the words
'approved of by the Corporation' after the word 'institutions.' The
term 'similar institutions' is too vague. If power is given to the
Corporation to approve the institutions which are eligible for such
exemption, I think it will be better. I hope, Sir, that my amendment
to the amendment moved by my friend will be accepted."

The amendment was duly seconded.

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* The Hon. the RAJA OF BOBBILI:—"I thought, Sir, the language of sub-section (c) of section 101, viz., 'places used for the charitable purpose of sheltering the destitute' would cover most of the items included in the present amendment. I should like to know whether the hon. the mover of the amendment considers that sub-section (c) is not sufficiently comprehensive and whether he wants this amendment."

* Diwan Bahadur A. APPADURAI PILLAI:—"That is exactly the reason why, Sir, this amendment is brought forward. 'Destitute' may not cover all these cases. The inmates of these institutions may or may not be destitutes; we want that the institutions as a whole should be exempted. 'Destitutes' may refer only to people who are in poor circumstances, who are helpless and so on. I do not think, Sir, sub-section (c) covers the cases referred to in my amendment. I am anxious, therefore, that this amendment should be accepted by the House."

The Hon. the RAJA OF BOBBILI:—"I accept the amendment, as amended by my friend, Mr. Ratnasabhapat Mudaliyar's amendment."

Diwan Bahadur A. APPADURAI PILLAI:—"I am very thankful to the Hon. the Chief Minister for having graciously accepted this amendment."

Mr. M. A. MUTHIAH CHETTIYAR:—"I should like the mover to understand, Sir, that if Mr. Ratnasabhapat Mudaliyar's amendment is accepted, the whole lot of institutions mentioned here would have to be approved by the Corporation. I take it that it was not the intention of either Mr. Ratnasabhapat Mudaliyar or the mover of the original amendment. Mr. Ratnasabhapat Mudaliyar's amendment will defeat the object of the mover."

* The Hon. the PRESIDENT:—"Perhaps the mover does not find any difficulty in the Corporation approving all these institutions."

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"I think 'approved' should qualify the words 'similar institutions' only."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"I think 'and such other institutions as are approved of by the Corporation' would be better."

Mr. T. C. SRINIVASA AYYANGAR:—"I move, Sir, a slight verbal amendment to Mr. A. Appadurai Pillai's amendment, viz., to insert the word 'such' before the word 'similar' and add the words 'as are approved by the Corporation' at the end. This will bring out the meaning of the amendments of both the hon. Members very clearly."

The amendment was duly seconded and was put and carried.

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* The Hon. the PRESIDENT:—"I shall now put the amendment, as amended, to the House. The question is:

'To clause (c) in sub-clause (ii), add the following:—

"and orphanages, homes and schools for the deaf and dumb, asylum for the aged and fallen women and such similar institutions run purely on philanthropic lines, as are approved by the Corporation"."

The amendment was put and carried.

The amendment of Mr. Ratnasabhapatil Mudaliyar was by leave withdrawn.

* The Hon. the RAJA OF BOBBILI:—"Sir, I beg to move amendment No. 103-A standing in my name:

'In sub-clause (iii) after the words "shall be inserted" the following words shall be added, namely:—

"and for the words 'and all such other property of Government not being buildings as may from time to time be notified by the Governor in Council with the consent of the Corporation;' the words and brackets 'and all such other property of Government (being neither buildings nor land from which in the opinion of the Government any income could be derived) as may from time to time be notified by the Local Government' shall be substituted".

The object of this amendment is to exempt Government property which is neither building nor land from which in the opinion of the Government, any income is derived. It is only right that such buildings or land should be exempt from taxation by the Corporation."

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

Mr. T. S. RAMASWAMI AYYAR:—"The Hon. the Chief Minister will perhaps explain the reasons for his amendment, in order to facilitate discussion. For my part, I am not able to understand the reason why such exemption should be given."

* The Hon. the PRESIDENT:—"Is the House ready for a vote?"

Mr. P. V. KRISHNAYYA CHOUDARI:—"No, Mr. President. The Hon. Minister, in moving his amendment, has not made it clear to us whether the Corporation is at present deriving any income on any such lands or buildings within the Corporation area, if so, what is the aggregate amount that the Corporation is so getting, and to what extent, as a result of this amendment, the Corporation is likely to lose. This information, Sir, the Hon. Minister should have given to the House before introducing his amendment. The Hon. Minister has been pointing out to us in connexion with various amendments, that the Corporation would lose so much on this account and so much on that; in this case, however, he has not done so. If the above points are

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cleared, I think we will be in a better position to express our views on the amendment. I therefore request, Sir, with your permission, the Hon. Minister to furnish us such information."

* The Hon. the RAJA OF BOBBILI:—"Sir, at present all these lands and buildings are being taxed by the Corporation. My position is that it is not fair that Government properties which are neither buildings nor lands from which Government derive any income should be taxed, because they come under 'public properties.' It is not fair that they should be taxed by the Corporation."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Though the Government may not be deriving any benefit, the value of the properties may be getting enhanced every day on account of their importance. With regard to private lands, even if they are not utilized for any purpose, simply because they are situated in important localities and they have a certain value, they are taxed. I cannot understand why Government property alone should be treated differently. I therefore oppose the amendment."

Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"It is stated in the amendment: 'being neither buildings nor land.' The expression 'from which any income could be derived' may be included under either category. That is not quite clear."

The Hon. the RAJA OF BOBBILI:—"It is, 'nor land from which in the opinion of the Government any income could be derived'."

The amendment was put and carried.

4-15 p.m. Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I beg to move the amendment that stands in my name, namely—

'Add the following at the end of sub-clause (iii):—

"At the end of clause (h), before the word 'and' the following proviso shall be inserted:—

'Provided that the Government do not derive any income from such beds and' "

"My object in moving this amendment is that the Public Works Department authorities may allow some plots on the bed of the Cooum for loading the silt or sand and thereby derive some income and in such a case it will be a loss to the Corporation if they exempt it from taxation. There may be occasions when the river-bed may dry up and it being wide, the authorities may grant permits to take away the silt, etc., on payment of certain amounts. In the interests of the Corporation I think my amendment is necessary. I therefore hope the Hon. the Minister will accept my amendment."

Rao Sahib V. I. MUNISWAMI PILLAI:—"I second it, Sir."

The Hon. the RAJA OF BOBBILI:—"I accept the amendment, Sir."

The amendment was put and carried.

Clause 55, as amended, was put and carried.

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Clause 56.

Section 102.

Mr. P. V. KRISHNAYYA CHOUDARI:—" I beg to move the following amendment, namely:—

'In sub-clause (i), for the words "The rates of property-tax fixed by the council may be proportionate to the value of each building or land" the words "The rates of property-tax shall be proportionate not only to the value of each building or land but also the aggregate value of all buildings and lands owned by a person" shall be substituted.'

"My reason for moving this amendment is this. In order to prevent the Corporation from realizing more money by way of taxation, several rich people will construct small buildings and thereby get more income by way of rent, at the same time paying only a small amount of tax to the Corporation. As a matter of fact the owner of a big bungalow will not be able to get a person to occupy his bungalow by paying Rs. 200 or Rs. 250 as rent, whereas the owner of a small building will always be sure of getting a tenant for Rs. 50 or so and thus his building will not be kept vacant; at the same time he pays a tax which will be smaller in proportion to the tax which may be paid by the owner of a big bungalow. I think this will lead to injustice in the case of owners of big buildings. For instance, if a man constructs a big bungalow at a cost of one lakh of rupees and has to pay a tax of Rs. 250, he may not get a tenant to occupy it at a rent of Rs. 200 or so; whereas in the case of another person who constructs about ten small buildings, he will easily get tenants for these houses; so much so his houses will not be kept vacant; and he will have to pay a very much smaller amount as tax than what the owner of the big bungalow has to pay. In order to bring the two into uniformity, I am moving this amendment.

"Another reason why I am moving this amendment is, if only big bungalows are constructed the artistic beauty of the town will be reduced, whereas the number of smaller houses will go on increasing in the City. If a uniform rate of taxation is introduced in the matter of big bungalows as well as smaller buildings, the number of big buildings will not go down. I therefore commend my amendment for the acceptance of the House."

The amendment was duly seconded.

* Mr. C. BASU DEV.—"Mr. President, I would only like to add one word to what my hon. Friend, Mr. Krishnayya Choudari, said about the architectural beauty of the City. Sir, I think the object of the amendment is to see that the rich man is made to pay at a higher rate on the value of his property than other people. If that is the object, I do not see any reason why a person who invests his money in one big building should be made to pay more than the person who invests

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his money in a number of small buildings. I think this is an unwarranted discrimination between a man who invests one's own money in a big building and another who invests his money on small buildings and generally makes more money. I therefore think this House will easily accept this amendment which is in consonance with the object underlying proportionate taxation."

* Mr. M. A. MUTHIAH CHETTIYAR:—"Mr. President, I want to speak on the section as a whole. My objection to the clause as introduced in the Bill is two-fold—not only to the amendment to the old Act which has been put in by Government in the Bill but also to the suggestion made by my hon. Friend, Mr. Krishnayya Choudari. He says that practically nobody should come forward to build a house to suit the lower middle classes in the City. As a matter of fact, everybody is anxious that a number of small houses in Madras should be built by persons who are likely to invest money. I know there are several persons who are not capitalists, but who are retired Government officials residing in Mambalam who want to build one or two houses, live in one of the houses and let out the other for rent. According to my hon. Friend, Mr. Krishnayya Choudari, it will come to this. If a person should build three houses, one big and two small ones, and the Corporation fixes a progressive rate of taxation, that is 20 per cent for bigger and 15 per cent for smaller houses, then that unfortunate person will have to pay 20 per cent for the two smaller houses also. I therefore oppose the amendment of my hon. Friend, Mr. Krishnayya Choudari.

"I want to make one other suggestion to the Government and that is this. Clause 56 reads like this:

'The rates of property tax fixed by the council may be proportionate to the value of each building or land or may advance in systematic progression with the value of the building or land, but shall in no case decrease as the value of the building or land increases'

The old section reads thus:

'The council shall levy the property-tax at a uniform rate.'

No doubt, Sir, this Bill fixes a minimum and maximum. If I remember aright, the minimum rate has been mentioned as the present rate and the maximum is about 20 per cent. So, between 15½ and 20 per cent the Corporation may fix a progressive rate of taxation. I am sure all Members who know the conditions in Madras would realize that it is among the bigger classes of houses there are more vacancies, and bungalows at a rent of Rs. 100 and more or houses with a rent of Rs. 150 or so, fall vacant more often than small houses. I am sure members of the Corporation who have detailed knowledge of the houses in the City will agree with me when I say that if we take the average for the last ten years, all houses above a rent of Rs. 100 and more would have fallen vacant for at least two years; and that comes to about 20 per cent. That being the case, it is only the owners of such houses that will be hard hit. In certain cases, the owners

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of such houses would not even get any remission worth mentioning if the house is vacant for a month or two. It is therefore dangerous to allow in a Bill a provision for a progressive rate of taxation, and it will lead to unhealthy and party rivalry in the Corporation. I am glad to say that in the Corporation, party rivalries are dying down owing to various good causes. Therefore I do not want that this germ should be left in this Bill to encourage party rivalry in the Corporation. Members here probably knew the affairs of the Corporation about seven or eight years ago; and I think Mr. Reid was in the Corporation at the time when the Corporation resolved to reduce the taxes by $3\frac{1}{4}$ per cent. There is always a tendency to lower the rate of taxation in the name of the poor people. There are ever so many persons belonging to the middle class who own small houses as well as houses bearing over Rs. 100 assessment, and they should not be penalised. I want to see that resolutions of the Corporation in matters of finance are placed above party considerations. I shall be very glad if we can go into the question of having a fixed rate instead of a minimum or maximum, say, 17 or 18 per cent or even, say, that Government should prescribe the rate of taxation. I would welcome it if there should be a flat rate but there is danger in providing for a progressive rate of taxation. I know many instances where office premises in Georgetown and other places become vacant and if they are to be assessed according to a progressive rate of taxation it will be an undue burden on the owners of such premises. For this reason, I would appeal to Government to omit the words 'or may advance in systematic progression with the value of the building or land, but shall in no case decrease' or, in the alternative, not to move the clause at all and retain the old provision in the Act itself."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—" Mr. President, Sir, under the Act there are two ways of assessing a building. Section 99 empowers the Corporation to levy property tax on buildings which are actually rented. In such cases rent is fixed at a certain percentage of the rental value of the building, but with regard to buildings which are not ordinarily let out and which are occupied by the owners, section 102 will apply. I consider that the provision in the Bill is quite reasonable. Different grades of houses are occupied by different classes of people. For instance, a man drawing more than Rs. 500 will occupy a building which was built at a cost of, say, Rs. 10,000; and there may be the case of another person occupying a house built at a cost of Rs. 50,000. In that case, the man who has built the house at an exorbitant cost might contend that if his house is let out for rent, nobody would be prepared to take it up for rent at more than Rs. 200 in which case the house will have to be assessed on the rental value of Rs. 200. I consider that such buildings must be taxed at a higher rate than ordinary buildings. A man who has built a house at a cost of Rs. 5,000 should be taxed at a uniform rate of 15 per cent. It is but reasonable that a man who had built a house

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at a cost of Rs. 50,000 or more, should be taxed at a higher percentage than one who has built a house at a lower cost.

4-30
p.m.

"As regards the amendment of Mr. Choudari, I have to oppose it because he wants that the houses should be taxed on the investments and not on their rental value. If it is accepted, it will work as a hardship on the owners of houses."

* The Hon. the RAJA OF BOBBILI:—"Even now I find considerable opposition to the provision introduced by the Government about the assessment of property tax. I would therefore request the hon. Mover not to press it."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I am not introducing any new system. My point is this. If there are ten buildings owned by a single person, the rates of property-tax should be in an aggregate amount. This provision is already there in the Act. My contention is that the rates of property-tax should be proportionate not only to the value of each building or land but also the aggregate value of all buildings and lands owned by a person. I leave it to the House. I do not press it."

The amendment was, by leave, withdrawn.

* Mr. C. BASU DEV:—"I beg to move the amendment that stands in my name, viz.—

- (i) *In the proviso (a) of section 102 of the Act, for the word "may" the word "shall" shall be substituted.*
- (ii) *The words "with the sanction of the Local Government" shall be omitted.*
- (iii) *In line 5, for the words "on the ground" the words "if it is proved" shall be substituted.*
- (iv) *In line 6, for the words "any or the full" the words "the full or any" shall be substituted.*

If the amendment is carried, the section will read thus:

'The council shall exempt any local area from the whole or a portion of the water and drainage-tax or of the lighting-tax if it is proved that such area is not deriving the full or any benefit from the water-supply and drainage or from the lighting system.'

I move this amendment because from my own experience in the City, I find that the Corporation are providing all these amenities only to the comparatively rich class of people, while the poorer classes also pay the tax. The poor are not at all enjoying any of these amenities. It is only at the expense of these poor people the rich are enjoying. The poor have a right to claim similar amenities. That is highly unjust and also improper. The persons who are not deriving these benefits should not be asked to pay these taxes. The provision as it stands gives discretion to the Corporation to exempt a portion of tax. I want that it should be compulsory. I know my hon. Friend, Mr. Sundara Rao Nayudu, who is the President of the Depressed Classes Service Army will support me now because he has considerable

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experience of the slums where the absence of these amenities is most prominent. I am sure from his experience he will be able to support in full what I have stated though yesterday he was against giving a second vote for Adi-Dravidas."

Mr. T. SUNDARA RAO NAYUDU:—"I never said that."

Mr. C. BASU DEV:—"I heard his voice loudest saying no. If I mention it now, it is only in the hope that he will at least to-day make amends for what he did yesterday by supporting this amendment. He is very closely moving with the depressed classes and he must have enough experience about them. I do not think that anything more need be said about this amendment. With this, I commend this amendment for the acceptance of the House and of the Government."

* The Hon. the PRESIDENT:—"As there is no seconder to this amendment, it falls through."

Sir WILLIAM WRIGHT:—"Mr. President, I beg to move the amendment that stands in my name, viz.—

'At the end of section 102, as amended, a further proviso shall be added as follows:—

"(d) in the case of passenger-sheds, latrines, cart-stands, retiring rooms and platforms belonging to a railway administration, the tax leviable shall not exceed 4 per cent of their annual value." "

* Mr. W. K. M. LANGLEY:—"Mr. President, I beg to second this amendment. This amendment speaks for itself. It stands to reason that such buildings and conveniences as those which are enumerated in this amendment are put up very largely at the request and for the convenience of the general public. I myself during the last few years have been a Member of one of the Advisory Committees for one of the local railways and I can testify, and no doubt some of the other Members of this House can also testify that there is at every meeting of such Advisory Committees an insistent demand for larger and better conveniences of every kind on the railway and in my opinion quite rightly. If one looks into the newspapers at any time, he will find many letters in the newspapers on the same subject. Well, after all, a railway is in the first place a commercial body which is expected to make a profit or at any rate not to run at a loss. The railways at the present time are, I am afraid, running at a loss but on the other hand, the railways have to be influenced by the fact that they are definitely undertaking work of a public utility nature and therefore they have to consider the conveniences and demands of the public. But nevertheless, it stands to reason that the railways, if they are going to be heavily taxed, will hesitate very considerably before they meet the incessant demands of the public. I therefore feel that in a Bill like this, the railway companies should be definitely protected by statute so that they may know that any such improvements on their

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part will not land them in any taxation heavier than such improvements would reasonably justify not only to the railway shareholders but also to the public of this country, who, as tax-payers, expect to get income from the railways. I think it would be justifiable on the part of railways to claim that such buildings and conveniences as are enumerated in this amendment should be exempt from taxation altogether, but the railway authorities do not press for such a consideration as that. But we do feel that the property-tax which the railway has to pay should be definitely limited. I should like to make one other point in connexion with the railway. It is a point which crops up in connexion with railways in all countries and that is that the railway in serving the public has inevitably to bring its system right into the heart of the most important cities and thereby has to incur very heavy expenditure and liability to taxation in the most highly assessed sections of such cities. If the railways only considered their own convenience, they could avoid this high taxation but they would not then be serving the convenience of the public. Now as a further justification for my claim, I would like to draw attention to the fact that the principle has already been accepted if not in this Council, in the previous Council which sat in this building because there was a proviso passed in this Council to section 84 (1) of the District Municipalities Act, 1920, as amended by the Madras Municipal Act of 1930. This proviso runs as follows:—

‘Provided that the aggregate property-tax leviable in the case of light-houses, piers, wharves, jetties and passenger-sheds, latrines, cart-stands, retiring rooms and platforms belonging to a railway administration shall not exceed 4 per cent of their annual value.’

The House will therefore observe the principle that has already been accepted in the case of district municipalities so recently as 1930 and therefore it is not asking this Council too much to propose that some proviso based on this principle should be inserted in the present Act. I have great pleasure in seconding this amendment.”

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—“Mr. President, Sir, I do not know what the attitude of the Government is with regard to this amendment. Whatever it may be, Sir, I consider that I would be failing in my duty if I do not oppose this amendment. I do admit that the railway is a public utility concern. For this reason the buildings specified in the amendment should not be taxed differently from other buildings.

“It may be that these buildings are for the convenience of the public, but still the railways are making a lot of money from these buildings. In the platforms certain portions are set apart and rented for vending things; and there are fees levied for porters and for the vendors on the open platform. They collect cart-stand fees from jatkas and carts. They collect rents for advertisement boards. When they are making money in different ways, I cannot understand why they are to be treated differently from other bodies. The Government have always been treating the municipalities and the Corporation in

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a stepmotherly way. Whenever the interest of the Government is interfered with, they throw the municipalities overboard. When a dispute arises between the municipality and the railway, they always support the railway. At this rate, I fear the Corporation will have to lose very heavily and I do not know where they will be after some years.

“ I was a member of a Railway Advisory Committee. Even then, I was fighting that railway buildings should not be treated differently from buildings belonging to other departments. So, Sir, I oppose this amendment.”

* The Hon. the RAJA OF BOBBILI:—“ Mr. President, Sir, the proposed amendment says that the future tax leviable in the case of passenger-sheds, latrines, cart-stands, etc., shall not exceed 4 per cent of their annual value. The real difficulty is that with regard to these buildings, i.e., latrines, cart-stands, retiring rooms and platforms, it is almost impossible to ascertain their annual rental value. Under the proposed amending Bill, such cases are covered by section 100 which says:

‘ The annual value of the premises shall be deemed to be 6 per cent of the total of the estimated market value of the land at the time of the assessment and the estimated cost of erecting the building at such time after deducting for depreciation a reasonable amount which shall in no case be less than 10 per centum of such cost, and

(b) machinery and furniture shall be excluded from the valuation under this section.’

“ My first objection is that it is difficult—practically impossible to ascertain the annual rent value on the basis of which they are to be assessed. If the hon. Members who moved and seconded the motion are keen on pressing it to a division, I would request that I may be given some time so that I may be in a better position to realize what the effect would be of my accepting this amendment and whether it would involve any serious loss to the Corporation.”

Mr. T. S. RAMASWAMI AYYAR:—“ Mr. President, Sir, may I also point out that there are two other aspects of the matter which have to be considered besides the aspect mentioned by the Hon. the Chief Minister.

“ In the case of private buildings we have adopted the system of progressive taxation. How are we to adopt such a principle in the case of the railway buildings if this amendment is to be accepted? Take the case of the South Indian Railway buildings in the City, the Park or the Egmore station. The annual value of the retiring room or the platform of one of these places may differ very much from the value of the other. How is the principle of progressive taxation to be adopted? The amendment simply says that it shall not be more than 4 per cent. Are we to give up the principle of progressive taxation and make an exception in the case of the railway buildings alone? It is a serious objection which will have to be answered.

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"I do feel that the railway requires some consideration because it is a public utility service. But I think, Sir, 4 per cent is rather too low. With regard to other buildings you are going to have 18½ per cent. Under the present scheme the idea is that the larger the building the greater is to be the tax, just as in the case of the income-tax. I suggest to the hon. the Mover to consider whether 4 per cent is the correct figure at which we should tax the railway buildings and whether he could not suggest a higher figure. The second question is how is the principle of progressive taxation to be worked in the case of the railway buildings, which the hon. Member is not giving effect to in this amendment?"

* Sir WILLIAM WRIGHT:—"Mr. President, Sir, I will first deal with the two questions which have been addressed to me by the hon. Member for the University of Madras. I have to point out to him that this Bill has already adopted 4 per cent as a fair rate of taxation for public utility organizations like the Port Trust and I think that also answers the other question as regards progressive taxation. If this House has accepted the principle that there should be no progressive taxation as regards utility organizations, such as the Port Trust, I see no reason why it should not be extended to the railway buildings.

"The hon. Member who first opposed the amendment referred to the earnings of the railway in respect of its platforms, cart-stands and stalls. What he said might possibly give a lead to the Hon. the Chief Minister in assessing the annual value of these buildings. If the Hon. the Chief Minister will allow further consideration to be postponed till to-morrow, it may be possible, on the basis of the suggestion, that the Hon. the Chief Minister may be able to fix upon the annual value, which, he says, he will require some time to consider."

The House agreed to the postponement of the further consideration of the amendment till the next day.

Clause 57.

Section 104.

* Mr. BASHEER AHMED SAYEED:—"Mr. President, Sir, I beg to move—

- (a) After the word "premises" and before the word "within" insert the words "in two equal instalments".
- (b) In section 104, for the words "half year" substitute the word "year".

Sir, the privilege accorded hitherto by the existing section 104 for the payment of taxes in two equal instalments is varied in a certain way under the newly proposed section. It is convenient for the rate-payers to pay the taxes in two equal instalments and it is also convenient for the office. Now, Sir, section 104 says that the tax shall be leviable half yearly whereas in the existing section the tax is leviable every year but payable in two instalments, each instalment being payable within fifteen days of the commencement of the half year. In the first instance,

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the tax is assessed for the whole year; but the rate-payer is called upon to pay the tax in two instalments within fifteen days of the beginning of the half year. Under the scheme of the present amending Bill, the assessment is to be levied each half year and the payment is to be made as usual. I think administratively it will be very difficult to levy taxes every half year. The budget of the Corporation is framed for the year and all the taxes are settled during the budget time and if taxes were to be levied every half year, I do not know what the procedure will be that has to be followed in connexion with the budget. Sir, section 98 prescribes a cumbersome procedure to be adopted in the case of imposing taxes for the first time. Sub-clause (2) of section 98-A says:

‘When the council shall have determined to levy any tax or duty for the first time or at a new rate the Commissioner shall forthwith publish a notice in the manner laid down in sub-section (1) specifying the date from which, the rate at which and the period of levy, if any, for which such tax or duty shall be levied.’

The procedure that is required is a resolution of the Corporation Council, publication of the notice and sanction from the Government. All these have to be gone through. I do not know whether it will be possible for any tax to be levied every half year if the foregoing procedure is to be followed before the collection is to be resorted to.

“There is also some inconsistency between the scheme of section 98 (4) and section 104. This section reads as follows:—

‘Where any resolution under this section has taken effect for a particular year . . .’

The section does not say—

‘Where any resolution under this section has taken effect for a particular half year . . .’

I therefore think that it needs revision as to what exactly is the scheme of the procedure that will have to be followed if taxes are to be levied each half year and how exactly the scheme of section 104 could be fitted with section 98-A. Under the circumstances, it will be desirable if we keep the present scheme as it is. I would also like to ask if there is any special meaning attached to the words levy, imposition, charge and so on in the various sections of this chapter.”

(Before Mr. Basheer had finished his speech, the House rose for the day, to meet again at 11 a.m. the next day.)

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.